

Anti-Doping Disciplinary Panel

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

To,

Date: 28.03.2023

Ms. Poorna Sri
D/o Yoganatham,
R/o 36116, Sathuvachari Vellore
Tamil Nadu
Email: - Usharani75213@gmail.com

Subj: Decision of the Anti-Doping Disciplinary Panel Case No.- 253.ADDP.2022

NADA Vs. Ms. Poorna Sri (ADAMS ID- YOPOFA79680)

The order containing the decision of the Anti-Doping Disciplinary Panel dated 14.03.2023 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

The receipt of this communication may be acknowledged.

Encl: 06 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. General Secretary, Indian Weightlifting Federation WZ-78, 1st Floor, Todapur Village, New Delhi 110012.
3. International Weightlifting Federation H-1146, Budapest, Istvanmezeiut, Hungary.
4. National Anti-Doping Agency, J.L.N Stadium, 1st 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. Poorna Sri (DOB: 19.08.2004) S/o D/o Yoganatham R/o 36116, Sathuvachari Vellore, Tamil Nadu for violation of Article 2.1 & 2.2 of National Anti-Doping Rules, 2021.

Quorum: Mr. Vineet Dhanda, ADDP
Dr. R K Arya Medical Member, ADDP
Mr. Akhil Kumar, Sports Member, ADDP

Present: Mr. Yasir Arafat, Law Officer, NADA
Ms. Poorna Sri, Athlete along with her counsel Mr. Saurabh Mishra

1.	Event	Weightlifting
2.	Name of Competition	Khelo India University Games, 2021
3.	Date of Sample Collection	25/04/2022
4.	Nature of sample	Urine
5.	Urine sample Code Number	6492503
6.	Name of Sample Witness	Poornima Naik
7.	Name of Dope Control Officer	Ravindra Singh
8.	Date of Result 'A' Sample testing	12.09.2022
9.	Result of 'A' sample	Adverse Analytical Finding for: S1.1 Anabolic Androgenic Steroids (AAS)/Stanozolol metabolites 3-hydroxy-stanozolol, 16 beta-hydroxy-stanozolol
10.	Date of Initial Review	20/09/2022
11.	Date of Notification	20/09/2022
11.	Date of provisional suspension	20/09/2022
12.	Date of Notice of Charge	20/12/2022
13.	Date of Result 'B' Sample testing	14.12.2022
14.	Date of hearing	24.02.2023 and 03/03/2023
18.	Plea of the athlete	Protected Person
19.	Date of decision	14.03.2023

The present proceedings before this Anti-Doping Disciplinary Panel (“**this panel**”) emanate from the Adverse Analytical Finding (“**AAF**”) against Poorna Sri (“**the athlete**”). The athlete is a “Weightlifting” Player and her date of birth as stated by her in the Dope Control Form (“**DCF**”), happens to be **19.08.2004**.

Factual Background:

1. A urine sample (“**Sample**”) of the athlete, Poorna Sri (“**Athlete**”) was collected during Khelo India University Games, 2021 at Karnataka by the Doping Control Officer of NADA on 25 April 2022. As per procedure, the Sample was split into two separate bottles, hereinafter referred to as Sample A and Sample B with unique Code “**6492503**”.
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 **Anabolic Androgenic Steroids (AAS)/ Anabolic Androgenic Steroids (AAS)/Stanozolol metabolites 3-hydroxy-stanozolol, 16 beta-hydroxy-stanozolol**. The WADA’s 2022 Prohibited List enlists Stanozolol, under the category S1, being a non-specified substance.
3. Subsequently, the Athlete was duly notified by a letter dated 20.09.2022 (“**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. The Notice of Charge under the National Anti-Doping Rules, 2021 was issued to the Athlete on 20.12.2022. The athlete has filed Written Submissions or Document on record for the consideration of this Panel.

Submissions of the Athlete

5. The Ld. Counsel of the Athlete submitted that the Athlete is minor/ aged 17 years to be treated as a “Protected Person” under the definition of the NADA Rules.
6. Ld. Counsel submits that the Athlete belongs to poor family less educated and she had no knowledge of Anti-Doping rules or prohibited substances.
7. Ld. Counsel submits that as per Anti-Doping Rules, it is not mandatory for the minor athlete to established the source of prohibited substance. It is further stated that the athlete falls under the category of Protected Person and Article 10.6.1.3 will attract

whereby the athlete shall be given a reprimand with no period of ineligibility based the totality of the fact and circumstances of the case.

8. Ld. counsel for the athlete rely the CAS 2018/A/5580 Blagovest Karasimirov Bozhinovski vs. Anti-Doping Centre of the Republic of Bulgaria (ACD) & Bulgarian Olympic Committee (BOC) in support his arguments. It is further submitting that due to lack of any mala-fide intention and no significant fault of the Athlete, the Ld. Panel must see the circumstances in totality and give her the benefit under Article 10.6.1.3 of the Rules.

Submissions of NADA

9. NADA submits 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.
10. NADA submits a minor still must provide evidence that the use was not intentional and or that the athlete was not significant at fault or negligence while using the prohibited substance.
11. NADA submits that the exemption granted to minors from having to show the source of the prohibited substance in order to established no fault negligence/no significant fault negligence does not exempt from adducing the factual basis and evidence necessary to carry out the assessment of intent.
12. The Athlete has failed to established no significant fault or negligence on her part, so she is not entitled for any benefit under article 10.6.1.3.
13. NADA further submitted that a period of ineligibility of four (4) years be imposed on the athlete for the said *ADRV* committed by the Athlete.

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:

14. The panel reproduce the definition of “Protected Person” under Appendix 1 of the NADA Anti-Doping Rules, 2021:

“Protected Person: An Athlete or other natural Person who at the time of the anti-doping rule violation: (i) has not reached the age of sixteen (16) years; (ii) has not reached the age of eighteen (18) years and is not included in any Registered Testing Pool and has never competed in any International Event in

an open category; or (iii) for reasons other than age has been determined to lack legal capacity under applicable national legislation.”

Article 10.6.1.3 of the NADA Anti-Doping Rules, 2021 reads as follows:

“Protected Persons or Recreational Athletes: Where the anti-doping rule violation not involving a Substance of Abuse is committed by a Protected Person or Recreational Athlete, and the Protected Person or Recreational Athlete can establish No Significant Fault or Negligence, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two (2) years Ineligibility, depending on the Protected Person or Recreational Athlete’s degree of Fault.”

15. On the bare perusal of the above it is clear that in order to gain suspension or reduction of sentence as a “Protected Person” the athlete needs to establish *No Significant Fault or Negligence*. The definition of the same as per Appendix-1 of the NADA ADR, 2021 is reproduced herein:

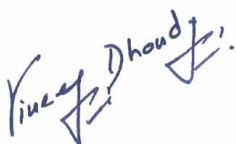
“No Significant Fault or Negligence: The Athlete or other Person's establishing that any Fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the anti-doping rule violation. Except in the case of a Protected Person or Recreational Athlete, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered the Athlete’s system.”

“No Fault or Negligence: The Athlete or other Person's establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had Used or been administered the Prohibited Substance or Prohibited Method or otherwise violated an anti-doping rule. Except in the case of a Protected Person or Recreational Athlete, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered the Athlete’s system.”

16. In view of the above discussion, the Panel is of the view that the exemption granted to minor athlete to show the source the origin of the prohibited substance in order to established no fault negligence/no significant fault negligence does not exempt from adducing the factual basis and evidence necessary to carry out the assessment of intent.
17. The panel in this case holds that the Athlete has failed to establish and satisfy that the *ADRV* was unintentional.
18. In view of the above, it is established that a violation under Article 2.1 of the Anti-Doping Rules has taken place.
19. 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.
20. **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 his ineligibility for the period of 4 years shall commence from the date of provisional suspension, i.e., 20.09.2022.**
21. **We also direct that under Article 10.10 all other competitive results obtained by the athlete from the date of sample collection i.e., 25.04.2022 shall be disqualified with all resulting consequences including forfeiture of medals, points, and prizes.**

Dated 14.03.2023

The matter is disposed of, accordingly.



Mr. Vineet Dhanda
(Chairman)



Dr. R. K. Arya
(Medical Member)



Akhil Kumar
(Sports Member)