

Anti Doping Disciplinary Panel
Block-A, Pragati Vihar Hostel,
Lodhi Road, New Delhi, 110003
Telefax: 011-24368248

Date: 7th September 2017

To,

Mr. Baljinder Singh
S/o Shri Jagdev Singh,
Village – Thandr Wala,
District & Tehsil – Muktsar,
Punjab 152 026

Subject: Decision of the Anti-Doping Disciplinary Panel Case No.-16.ADDP.04.2017

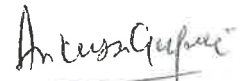
NADA VS BALJINDER SINGH

The order containing the decision of the Anti Doping Disciplinary Panel dated 05/09/2017 in respect of final hearing of the above case held on 09/08/2017 is enclosed.

It may please be noted that according to Article 13.7.2 of Anti Doping Rules of NADA 2015, **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.

The receipt of this communication may be acknowledged.

Encl: 05 sheets.

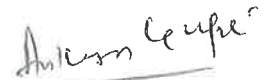


(Dr. Ankush Gupta)

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. Indian Olympic Association, Olympic Bhawan, B-29, Qutab Institutional Area, New Delhi- 110016.
2. World Anti Doping Agency, Stock Exchange Tower, 800 Place Victoria (Suit 1700) P. O. Box 180, Montreal (Quebec), H4Z 1B7, Canada.
3. General Secretary, Indian Weightlifting Federation, WZ-78, 1st Floor, Todapur Village, New Delhi 110 012.
4. Joint Secretary, Services Sports Control Board, Armed Forces Headquarters, Room No. 98, Block-G, Nirman Bhawan, New Delhi.
5. International Weightlifting Federation, G-1146, Budapest, Istvanmezeiut 1-3, Hungary.
- ✓ 6. National Anti Doping Agency, A-Block, Pragati Vihar Hostel, Lodhi Road, New Delhi, 110003.

Encl: 05 sheets.



(Dr. Ankush Gupta)

IN THE CHAMBER OF ANTI DOPING DISCIPLINARY PANEL

A- Block, Pragati Vihar Hostel,
Lodhi Road, New Delhi – 110003
Telefax: 011-24368248

In the Matter of **Mr. Baljinder Singh, S/o Shri Jagdev Singh, R/o Village –Thandr Wala, Tehsil Muktsar, Punjab 152 026** for the violation of Article 2.1 of Anti Doping Rules of NADA Code 2015.

1.	Event	Weightlifting
2.	Name of Competition	Out of Competition
3.	Date of Sample Collection	25/03/2017
4.	Nature of sample	Urine
5.	Urine sample Code Number	494248
6.	Name of Sample Witness	Mr. Karim
7.	Name of Dope Control Officer	Ms. Hingane N.N.
8.	Date of testing 'A' Sample	05/05/2017
9.	Result of 'A' sample	Adverse Analytical Finding for: 17-b-Hydroxy methyl 17a-methyl-18 norandrost-1-4, 13-triene-3-one, (Metabolites of Methandienone), Anabolic Steroid
10.	Date of Initial Review	06/05/2017
11.	Date of provisional suspension	08/05/2017
12.	Date of first notice	08/05/2017
13.	Date of testing 'B' sample	Accepts 'A' sample adverse analytical finding.
14.	Result of 'B' Sample	N.A.
15.	Date of second Notice	N.A.
16.	Date of Notification	19/07/2017
17.	Date of hearing	09/08/2017



18. Plea of the athlete Unable to explain how the Prohibited Substance entered his body, stated that some one might have laced his drink.
19. Date of decision 05/09/2017

NADA notified its assertion relating to violation of Anti Doping Rule 2.1 by **Mr. Baljinder Singh** (Sports discipline – **Weightlifting**).

The Athlete representative himself. Dr. Ankush Gupta, Project Officer, NADA presented the case on behalf of NADA and produced the documents in support of the case. Hearing was conducted on 09/08/2017 by the Hearing Panel constituted under Rule 8.

Factual Background:

An out of competition doping control test of athlete was carried out by the Doping Control Officer of NADA on 25/03/2017 at Army Sports Institute, Pune, Maharashtra. After testing, it returned for an Adverse Analytical Finding (AAF) for the presence of Prohibited Substance namely **17-b-Hydroxy methyl 17a-methyl-18 norandrost-1-4, 13-triene-3-one, (Metabolites of Methandienone), Anabolic Steroid**. Thereafter, NADA issued a notice of charge dated 08/05/2017 along with mandatory provisional suspension for the violation of Article 2.1 of Anti-Doping Rules of NADA 2015. Further, in response to the notice of charge, the athlete has submitted written reply dated 22/05/2017 addressed to DG, NADA wherein the athlete stated he had not consumed any prohibited substance and tendered his apology. He further waived of his right to 'B' sample analysis. The athlete again filed written reply dated 17/0/2017 whereby he pleaded that someone might have laced steroid in his drink.

Athlete's submissions:

Upon notice, the athlete appeared in person before the Hearing Panel, argued in support of his case and submitted that he had not taken any Prohibited Substance. He further submitted that he has doubt that somebody had laced his drink with Prohibited Substance but could not substantiate it. Further, he urged that some lenient view may be considered while awarding sanction.



NADA's Submissions:

NADA submitted that under Article 2.1.1 it is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body. 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 anti-doping rule violation under Article 2.1.

NADA further submitted that it is the athlete's duty to ensure that no Prohibited Substance should enter in his body system. Further it has been submitted by NADA that mere admission of guilt of anti-doping rule violation by the athlete does not make him eligible for reduction in Ineligibility period, set out under Article 10.4 and 10.5.

Therefore, the athlete has failed to establish any grounds for elimination or reduction of period of ineligibility set out under Article 10.4 and 10.5. Hence, the maximum sanction of four (4) years may be imposed for the violation of anti-doping rules of NADA-2015.

Observation of the Panel:

The Panel has heard both the sides at length and had also carefully considered submissions made on behalf of both the parties.

In the present case, the prohibited substance **17-b-Hydroxy methyl 17a-methyl-18 norandrost-1-4, 13-triene-3-one, (Metabolites of Methandienone), Anabolic Steroid** is found in the urine sample of the athlete which falls under non-specified category. Under Article 2.1.1 clearly spells out that it is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body. 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 anti-doping rule violation under Article 2.1.



So far the plea taken by the athlete that he has doubt that somebody had laced his drink with the Prohibited Substance. The Panel is unable to give any credence to the aforesaid statement, which has been raised in a vague and casual manner and that too without any corroboration.

In the present case, admittedly, the anti-doping rule violation involves a non specified substance. Therefore, the entire onus was cast on the athlete to establish that the anti-doping rule violation was not intentional, which athlete failed to do so. Therefore, under Article 10.2.1 of the Anti-Doping Rules of NADA – 2015, athlete deserves an ineligibility of four (4) years.

The Athlete failed to establish any grounds for elimination or reduction of period of ineligibility under Article 10.5.

No aggravating circumstances have been alleged for enhanced sanctions.

As per the Anti Doping Rules of NADA 2015:

10.2.1 The period of *Ineligibility* shall be four years where:

10.2.1.1 The anti-doping rule violation does not involve a *Specified Substance*, unless the *Athlete* or other *Person* can establish that the anti-doping rule violation was not intentional.

10.2.1.2 The anti-doping rule violation involves a *Specified Substance* and NADA can establish that the anti-doping rule violation was intentional.

In the present case, the Anti Doping Rule violation involves a specified substance and the athlete was not able to prove that the anti doping rule violation was not intentional.

The period of ineligibility under Article 10.2.1 for the first violation is 4 (four) years. The period of ineligibility starts from the date of the decision. The Athlete is entitled to the benefit of credit for the period of provisional suspension. In the present case, the athlete opted provisional suspension w.e.f. 08.05.2017.

Under Article 10.2.1, ineligibility of Four (4) Years is imposed on Mr. Baljinder Singh S/o Shri Jagdev Singh, Village – Thandr Wala, District – Muktsar, Pujab 152 026 for the violation of Article 2.1 of Anti Doping Rules, NADA 2015. The period of ineligibility shall



commence from the date of the provisional suspension dated 08.05.2017. We also direct that under Rule 10.8 all other competitive results obtained by the athlete from the date of sample collection shall be disqualified with all resulting consequences including forfeiture of medals, points and prizes.

Dated: 5th September, 2017



Poonam Chopra
Member



Dr. PSM Chandran
Member



Sanajay Mani T.
Chairman