

Anti Doping Disciplinary Panel

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

To,

Date: 9th March, 2018

Mr. Premnath Harish Chandra Kadam
S/o Shri Harish Chandra
710/7, Jai Bhawani Coperative Housing Society
Opposite HSG Society, Kaka Sahib Gadgil Marg,
Mumbai, Maharashtra

Subject: Decision of the Anti Doping Disciplinary Panel Case No.-24.ADDP.01.2017

NADA VS PREMNATH HARISH CHANDRA KADAM

The order containing the decision of the Anti Doping Disciplinary Panel dated 08.03.2018 in respect of final hearing of the above case held on 20/02/2018 is enclosed.

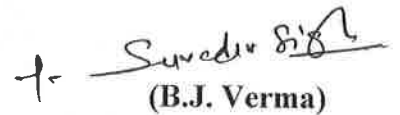
It may please be noted that according to Article 13.7.2 of Anti Doping Rules of NADA 2015, **the time to file an appeal to the National Anti-Doping Appeal Panel shall be twenty one (21) days from the date of receipt of this decision by the appealing party.** The appeal may be filed at the abovementioned address.

Also please note that according of Article 10.6.1- (**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 10.6.1.1 ADR.

Copy of the NADA Anti Doping Rules 2015 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: 05 sheets.

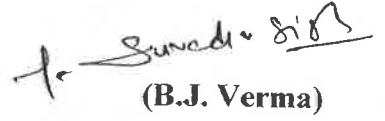

(B.J. Verma)

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. Secretary General, Powerlifting Federation of India, Midhun Palace Ward, Alappuzha, Kerala 688011.

4. International Powerlifting Federation, 1, Rue Pasteur, 4642, Differdange, Luxembourg.
5. National Anti Doping Agency, A-Block, Pragati Vihar Hostel, Lodhi Road, New Delhi, 110003.

Encl: 05 sheets.


(B.J. Verma)

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. Premnath Harish Chandra Kadam, S/o Shri Harish Chandra, # 710/7, Jai Bhawani Co-operative Housing Society, Opposite HSG Society, Kaka Sahib Gadgil Marg, Mumbai Maharashtra** for the violation of Article 2.1 of Anti Doping Rules of NADA Code 2015.

1.	Event	Powerlifting
2.	Name of Competition	Zone Powerlifting Championship
3.	Date of Sample Collection	27/03/2017
4.	Nature of sample	Urine
5.	Urine sample Code Number	494770
6.	Name of Sample Witness	Mr. Parvesh Sharma
7.	Name of Dope Control Officer	Mr. Lokinder
8.	Date of testing 'A' Sample	01/05/2017
9.	Result of 'A' sample	Adverse Analytical Finding for: 17-beta Hydroxy methyl-17-alpha methylnorandrost-1, 4, 13-triene-3-one, (long term metabolite of Methandienone), Anabolic Steroid.
10.	Date of Initial Review	03/05/2017
11.	Date of provisional suspension	04/05/2017
12.	Date of first notice	04/05/2017
13.	Date of testing 'B' sample	N.A.
14.	Result of 'B' Sample	N.A.
15.	Date of second Notice	N.A.
16.	Date of Notification	09/11/2017



17. Date of hearing 20/02/2018
18. Plea of the athlete Athlete didn't appear before the Hearing Panel.
19. Date of decision 08/03/2018

NADA notified its assertion relating to violation of Anti Doping Rule 2.1 by **Mr. Premnath Harish Chandra Kadam**, (Sport discipline - **Powerlifting**).

Mr. B.J. Verma, Asstt. Project Officer, NADA presented the case on behalf of NADA and produced the documents in support of the case. Hearing was conducted on 20/12/2018 by the Hearing Panel constituted under Rule 8.

Factual Background:

The athlete participated in Zone Federation Cup Powerlifting Championship held at Jammu on 27/03/2017. His urine sample was collected on 27/03/2017 by the Doping Control Officer of NADA. On testing it returned for an Adverse Analytical Finding (AAF) for the presence of Prohibited Substance namely **17-beta Hydroxy methyl-17-alpha methylnorandro-1, 4, 13-triene-3-one, Long Term Metabolite of Methandienone, Anabolic Steroid**, which is a non-specified substance as per NADA/WADA existing Prohibited List. Consequently, NADA issued a notice of charge dated 04/05/2017 to the athlete for the violation of Article 2.1 of the Anti-Doping Rules of NADA-2015 along with mandatory provisional suspension. Further, NADA has issued letter dated 29/05/2017 citing that in absence of reply for 'B' sample analysis from the side of the athlete then it shall be deemed to be waived off the right of 'B' sample analysis.

Despite the notice, neither the athlete nor any representative on behalf of the athlete appeared before the Panel but athlete has sent an email dated 17th February, 2018 stating his inability to appear before the Hearing Panel on the scheduled hearing date. Further, athlete requested that his application dated 17th February, 2018 may be consider for needful action.

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 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 duty to ensure that no Prohibited Substance should entered in her 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 the NADA at length and had also carefully gone through the written/oral submissions made on behalf of the NADA.

In the present case, the prohibited substance is **17-beta Hydroxy methyl-17-alpha methylnorandrost-1, 4, 13-triene-3-one, Long Term Metabolite of Methandienone, Anabolic Steroid** found in the urine sample of the athlete which falls under non-specified category and prohibited at all times in and out of competition. 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.

In the present case, admittedly the anti-doping rule violation relates to non specified substance. Therefore, the entire onus was on the athlete to establish that the anti-doping rule violation was not intentional. In the present case, the athlete has failed to discharge the said onus. Therefore, under Article 10.2.1 of the Anti-Doping Rules of NADA – 2015, athlete has to suffer an ineligibility of four (4) years.

In the present case, the athlete did not appear before the Hearing panel. We have already given ample opportunities for appearance or filing written statement/reply. The only alternate left before the Panel is to proceed ex-parte in the present matter. Further, the athlete has not filed any written reply/statement to rebut the assertion of anti-doping rule violation made by NADA.

Therefore, the athlete failed to establish any grounds for elimination or reduction of period of ineligibility. Therefore, the athlete is liable for sanction under Article 10.2.1.

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 does not 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. Normally, 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 was provisionally suspended by NADA w.e.f. 04.05.2017.

Under Article 10.2.1, ineligibility of Four (4) Years is imposed on Mr. Premnath Harish Chandra Kadam, S/o Shri Harish Chandra, #710/7, Jai Bhawani Co-operative Housing Society, Opposite HSG Society, Kaka Sahib Gadgil Marg, Mumbai, Maharashtra 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 04.05.2017.

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: 8th March, 2018



Rohit Rajpal
Member



Dr. Sanjeev Kumar
Member



Kuldip Singh
Chairman