

Anti Doping Disciplinary Panel
Jawaharlal Nehru Stadium, 1st Floor, Hall No.104
Lodhi Road, New Delhi, 110003
Tele. 011-24368274

To,

Date: 25th February, 2020

Mr. Shyam Lal
S/o Mr. Pannalal
H. No. 33, Near Baba Moni Mandir
Khokha, District – Hisar,
Haryana 125033

Subject: Decision of the Anti Doping Disciplinary Panel Case No.-144.ADDP.01.2019

NADA VS SHYAM LAL

The order containing the decision of the Anti-Doping Disciplinary Panel dated 24/02/2020 in respect of final hearing of the above case held on 14/01/01/2020 and 14/02/2020 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. Further, the athlete is subjected to doping control test during the ineligibility period, therefore, athlete is required to update his residential address to the NADA Office as and when changed.

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: 04 sheets.

(Yasir Arafat)

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, Athletics Federation of India, A-90, Naraina Industrial Area Phase-1, Near PVR Cinema, New Delhi 110 028.
4. International Association of Athletics Federations, 17, Rue Princesse Florestine, BP 359, MC 98007 Monaco.
5. National Anti-Doping Agency, J.L.N Stadium, 1st Floor, Hall No. 104, Lodhi Road, New Delhi, 110003.

IN THE CHAMBER OF ANTI DOPING DISCIPLINARY PANEL
Jawaharlal Nehru Stadium, Hall No. (103-104) Ist Floor
Above Sports Library, New Delhi - 110 003
Telefax : 011-24368248

In the Matter of **Mr. Shyam Lal, S/o Mr. Pannalal R/o House No. 33, Near Baba Moni Mandir, Khokha, Hisar, Haryana 125033** for the violation of Article 2.1 of Anti-Doping Rules of NADA Code 2015.

1.	Event	Athletics
2.	Name of Competition	Out-Competition
3.	Date of Sample Collection	10/04/2019
4.	Nature of sample	Urine
5.	Urine sample Code Number	6364537
6.	Name of Sample Witness	Mr. Anil Kumar
7.	Name of Dope Control Officer	Mr. Rajneesh
8.	Date of testing 'A' Sample	03/05/2019
9.	Result of 'A' sample	Adverse Analytical Finding for: 3-OH-Stanozolol & 16b-OH-Stanozolol (Stanozolol Metabolites), Anabolic Androgenic Steroids.
10.	Date of Initial Review	13/05/2019
11.	Date of provisional suspension	14/05/2019
12.	Date of first notice	14/05/2019
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	23/12/2019
17.	Date of hearing	14/01/2020 & 14/02/2020
18.	Plea of the athlete	Chosen not to appear
19.	Date of decision	24/02/2020

Smile

Kinney Dhaudh

Joshi

NADA notified its assertion relating to violation of Anti-Doping Rule 2.1 by **Mr. Shyam Lal** (Sports discipline - **Athletics**).

Factual Background:

The out-competition doping control test of the athlete was carried out on 10/04/2019 at Rohtak, Haryana by the Doping Control Officer of NADA. His sample was analyzed in the National Dope Testing Laboratory, New Delhi WADA Accredited Laboratory, which returned for an Adverse Analytical Finding (AAF) for the presence of Prohibited Substance of **3-OH-Stanozolol & 16b-OH-Stanozolol (Stanozolol Metabolites), Anabolic Androgenic Steroids**, which is a non-specified substance as per WADA existing prohibited list 2019. Consequently, NADA issued a notice of charge dated 14/05/2019 along with mandatory provisional suspension for the violation of Article 2.1 of Anti-Doping Rules of NADA 2015. No response has been received from the Athlete to the Notice of Charge and in fact the notice was returned by the postal office with the comment "returned to sender due to non-availability of house number, street no.". The NADA office, vide email dated 11.04.2018 requested for fresh address of the Athlete from the Khelo India School Games, Delhi 2017, which was received by an email dated 12.04.2018. The Panel is informed that the Notice of Charge was sent to the alternate address as well, however, no response has been received from the Athlete.

A perusal of the records reveal that no response has been received from the Athlete to the Notice of Charge. Another communications dated 17.10.2019 and 23.12.2019 were sent to the athlete along with a copy to the officials of Athletics Federation of India regarding further proceedings in the matter, including the hearing to be held before the Panel. However, despite the same, the Athlete has not made any representations before the Hearing Panel, whether in writing nor in person or through an agent. Oral hearing was conducted on 14.01.2020 and 14.02.2020 by the Hearing Panel constituted under Rule 8.3.2.

Athlete Submissions:

No one has appeared for or on behalf of the Athlete despite communications issued by NADA. The Athlete is therefore proceeded ex parte.

Amulya

Kinney Dhand

Perth

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 it is the athlete's duty to ensure that whatever the athlete consumes must be dope free and should not contain any prohibited substance by all means. Lastly, NADA has submitted that the athlete has failed to establish any grounds for elimination or reduction of the 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.

Panel View:

The Panel has carefully gone through the records and the submissions made on behalf of NADA.

In the present case, the prohibited substance **3-OH-Stanozolol & 16b-OH-Stanozolol (Stanozolol Metabolites), Anabolic Androgenic Steroids**, which is a non-specified substance as per WADA existing prohibited list 2019. 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 involves a non-specified substance. Therefore, the entire onus is on the athlete to establish that the anti-doping rule violation was not intentional, which the athlete failed to do so. Thus, it is difficult to hold that the anti-doping rule violation was not intentional on the part of the athlete. Once a violation of anti-doping rules has been established, sanctions on the individuals as provided under Article 10 of the Anti-Doping Rules 2015 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.

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.

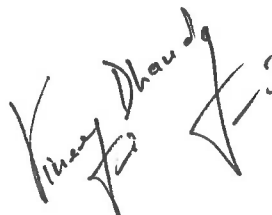
The period of ineligibility under Article 10.2.1 for the first violation is 4 (four) years. Normally, the period of ineligibility starts from the date of the decision. The Athlete is entitled to the benefit of credit for the period of provisional suspension. In the present case, the athlete was provisionally suspended by NADA w.e.f. 14/05/2019.

Under Article 10.2.1, ineligibility of four (4) years is imposed on Mr. Shyam Lal, S/o Mr. Pannalal R/o House No. 33, Near Baba Moni Mandir, Khokha, Hisar, Haryana 125033 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 14/05/2019. 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: 24/02/2020



Dr. Sumita Gupta
Member



Vineet Dhanda
Chairperson



Jagbir Singh
Member