

Anti Doping Disciplinary Panel

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

To,

Date: 20th February, 2020

Mr. Rajesh
S/o Mr. Rajendra Singh
H. No. 138, Near Water Supply Kherki,
Gurugram, Haryana 122004

Subject: Decision of the Anti Doping Disciplinary Panel Case No.-145.ADDP.01.2019

NADA VS RAJESH

The order containing the decision of the Anti-Doping Disciplinary Panel dated 14/02/2020 in respect of final hearing of the above case held on 16/02/2020 & 03/02/2020 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, Indian Body Builders Federation, Pathare Gymco, 280/A, Javalkar Mansion, Dr. B.A. Road, Parel, Mumbai-12.
4. World Bodybuilding and Physique Sports Federation, # 32D, Jalan Tani, Singapore 455876.
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
Lodhi Road New Delhi - 110 003
Telefax : 011-24368274

In the Matter of **Mr. Rajesh S/o Mr. Rajendra Singh R/o House No. 138, Near Water Supply Kherki, Gurugram, Haryana 122004** for the violation of Article 2.1 of Anti-Doping Rules of NADA Code 2015.

1.	Event	Bodybuilding
2.	Name of Competition	Out-Competition
3.	Date of Sample Collection	09/02/2019
4.	Nature of sample	Urine
5.	Urine sample Code Number	6364676
6.	Name of Sample Witness	Mr. Anoop Kumar Chhabra
7.	Name of Dope Control Officer	Mr. Amit Kumar Soni
8.	Date of testing 'A' Sample	01/05/2019
9.	Result of 'A' sample	Adverse Analytical Finding for: Drostanolone Metabolite (2a-Methyl-5a Androstan-3a-ol-17-One), Androgenic Anabolic Steroid Clenbuterol-Other Anabolic Agents 3-OH-Stanozolol & 16b- OH- Stanozolol (Stanozolol Metabolite), Androgenic Anabolic Steroid Furosemide, Diuretic
10.	Date of Initial Review	06/05/2019
11.	Date of provisional suspension	07/05/2019
12.	Date of first notice	07/05/2019
13.	Date of testing 'B' sample	Not opted
14.	Result of 'B' Sample	Not opted
15.	Date of second Notice	N.A.
16.	Date of Notification	12/12/2019
17.	Date of hearing	16/01/2020 & 03/02/2020
18.	Plea of the athlete	Chosen not to appear



19. Date of decision 14/02/2020

NADA notified its assertion relating to violation of Anti-Doping Rule 2.1 by **Mr. Rajesh** (Sports discipline – **Bodybuilding**).

Factual Background:

1. A urine sample (“**Sample**”) of the athlete, Mr. Rajesh (“**Athlete**”) was collected at Chandigarh by the Doping Control Officer of NADA on 09 February 2019. As per procedure, the Sample was split into two separate bottles, hereinafter referred to as Sample A6364676 and Sample B6364676.
2. Sample A6364688 was tested at the National Dope Testing Laboratory, New Delhi and was returned with an Adverse Analytical Finding (“**AAF**”) **Drostanolone Metabolite (2a-Methyl-5a Androstan-3a-ol-17-One), Androgenic Anabolic Steroid Clenbuterol-Other Anabolic Agents 3-OH-Stanozolol & 16b- OH- Stanozolol (Stanozolol Metabolite), Androgenic Anabolic Steroid Furosemide, Diuretic.** The WADA’s 2019 Prohibited List enlists these substance as non-specified substance.
3. Consequently, NADA issued a notice of charge dated 07.05.2019 (“**Notice of Charge**”) for violation of Rule 2.1 of the NADA Anti-Doping Rules (“**Rules**”). The notice of charge was also accompanied by a Mandatory provisional suspension, with effect from the date of notice.
4. Oral hearing was conducted on 03.02.2020 by the Hearing Panel constituted under Rule 8.3.2. The hearing was attended by Mr. Yasir Arafat, Law Officer, NADA. The Athlete is represented by Legal Aid counsel Ms. Aishani Narain.
5. The counsel of the athlete inform the panel that she has made a telephonic conversation with the athlete Mr. Rajesh about that she has been appointed as a legal aid counsel to defend your ADRV case before anti-doping disciplinary panel. In response to that the athlete said that he has left the games.

Submissions of NADA

6. It is submitted by NADA 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

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is to be demonstrated so as to establish a case of anti-doping rule violation under Article 2.1.

7. In the above background, it is submitted by NADA that the Athlete has failed to furnish any explanation as to how the prohibited substance came to be found in the Sample. Furthermore, NADA submits that the presence of diuretics / masking substance further goes to show that the Athlete had deliberately consumed performance enhancing prohibited substances and attempted to evade detection by consuming masking substances over the same.

Observations and Findings of the Panel

After considering the facts placed before the Panel, it is observed as under:

8. It is undisputed that the Athlete's Sample has tested positive for **Clenbuterol-Other Anabolic Agents 3-OH-Stanozolol & 16b- OH- Stanozolol (Stanozolol Metabolite), Androgenic Anabolic Steroid Furosemide, Diuretic**. The WADA's 2019 Prohibited List enlists these substance as non-specified substance.
9. As per Article 2.1 of the Anti-Doping Rules 2015, it is the personal duty of every athlete to ensure that no prohibited substance, as defined, enters his or her body. Reference may also be made to Article 2.1.2 which provides that presence of a prohibited substance or its metabolites is sufficient proof of anti-doping rule violation where the Sample A returns an adverse finding and the athlete waives off the analysis of Sample B. In the present case, the Athlete has not requested for analysis of the Sample B and is thus deemed to have accepted the findings contained in Sample A.
10. Where a sample testing returns a positive finding, onus is on the athlete to explain how the substance entered his/her body. Fault, negligence or knowing use are not relevant considerations that are needed to be proved while making a case for anti-doping violation. The liability cast on the athlete is thus strict.
11. However, the Athlete has not furnished any response or put forward any defense. The Athlete has also not appeared before the Panel despite given him a free legal aid counsel to defend his case.
12. In addition to the above, the Athlete's Sample has revealed the presence of diuretics / masking substance which makes it clear that the Athlete had deliberately consumed

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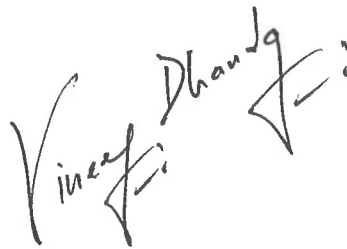
performance enhancing prohibited substances and thereafter attempted to evade detection by consuming masking substances over the same.

13. In view of the above facts taken as a whole, it is established that a violation under Article 2.1 of the Anti-Doping Rules has taken place.
14. Once a violation of anti-doping rules has been established, Sanctions on 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 for an ineligibility for a period of 4 years.
15. **The Panel holds that the Athlete Mr. Rajesh S/o Mr. Rajendra Singh R/o House No. 138, Near Water Supply Kherki, Gurugram, Haryana 122004, is liable for sanctions under Article 10.2.1 for an ineligibility for a period of 4 years, which period will start running from the date of provisional suspension, i.e. 07.05.2019. 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 14th February, 2020



Dr. PSM Chandran
Member



Vineet Dhanda
Chairperson



Jagbir Singh
Member