

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,

Mr. Amit Kumar
S/o Shri Nafey Singh,
Village – Sutana, Tehsil - Madlauda
District – Panipat,
Haryana 132 105

Date: 23rd July, 2019

Subject: Decision of the Anti Doping Disciplinary Panel Case No.-22.ADDP.05.2019

NADA Vs. AMIT KUMAR

The order containing the decision of the Anti-Doping Disciplinary Panel dated 22/07/2019 in respect of final hearing of the above case held on 12/06/2019 is enclosed.

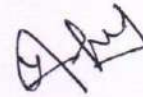
Please note that according to Article 13.7.2 of Anti-Doping Rules of NADA 2015, **the time to file an appeal to the National Anti-Doping Appeal Panel shall be twenty one (21) days from the date of receipt of this decision by the appealing party.** The appeal may be filed at the abovementioned address.

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 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: 05 sheets.

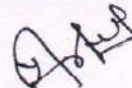


(Yasir Arafat)

Copy forwarded together with the copy of the order containing the decision of the Anti Doping Disciplinary Panel for information and action deemed necessary:

21. Indian Olympic Association, Olympic Bhawan, B-29, Qutab Institutional Area, New Delhi- 110016.
- ✓ 22. World Anti-Doping Agency, Stock Exchange Tower, 800 Place Victoria (Suit 1700) P. O. Box 180, Montreal (Quebec), H4Z 1B7, Canada.
- ✓ 23. General Secretary, Amateur Kabaddi Federation of India, 33, Bhriugu Nagar, 2nd Floor, Opp. Gehlot ka Bungalow, Ajmer Road, Jaipur, Rajasthan 302021.
24. International Kabaddi Federation, 2 Aakansha, Ajmer Road, Jaipur, Rajasthan.
25. National Anti-Doping Agency, A-Block, Pragati Vihar Hostel, Lodhi Road, New Delhi 110003.

Encl: 05 sheets.



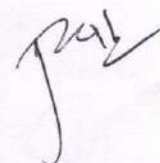
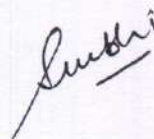
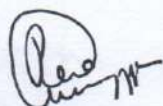
(Yasir Arafat)

IN THE CHAMBER OF ANTI DOPING DISCIPLINARY PANEL

Jawaharlal Nehru Stadium
Lodhi Road New Delhi - 110 003
Telefax : 011-24368248

In the Matter of **Mr. Amit Kumar, R/o Post Office Sutana District Panipat, Haryana 132105** for the violation of Article 2.1 of Anti-Doping Rules of NADA Code 2015.

1.	Event	Kabaddi
2.	Name of Competition	Pro Kabaddi Cup
3.	Date of Sample Collection	19/10/2018
4.	Nature of sample	Urine
5.	Urine sample Code Number	510062
6.	Name of Sample Witness	Mr. Ajay Yenkar
7.	Name of Dope Control Officer	Ms. Sayali Rode
8.	Date of testing 'A' Sample	21/12/2018
9.	Result of 'A' sample	Adverse Analytical Finding for: 19- Norandrosterone at a concentration Greater than 15ng/ml, Anabolic Steroid
10.	Date of Initial Review	27/12/2018
11.	Date of provisional suspension	28/12/2018
12.	Date of first notice	28/12/2018
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	19/03/2019
17.	Date of hearing	12/06/2019
18.	Plea of the athlete	Took medicine
19.	Date of decision	22/07/2019



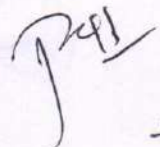
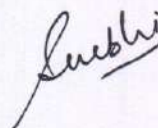
NADA notified its assertion relating to violation of Anti-Doping Rule 2.1 by **Mr. Amit Kumar** (Sports discipline – **Kabaddi**).

Factual Background:

1. A urine sample (“**Sample**”) of the athlete, Mr. Amit Kumar (“**Athlete**”) was collected in Competition, during the Pro Kabaddi Cup, 2018 by the Doping Control Officer of NADA on October 19 2018. As per procedure, the Sample was split into two separate bottles, hereinafter referred to as Sample A and Sample B.
2. Sample A was tested at the National Dope Testing Laboratory, New Delhi and was returned with an Adverse Analytical Finding (“**AAF**”) for **10- Narandrosterone at a concentration greater than 15 NG/ML, Anabolic Steroid**. The WADA’s 2018 Prohibited List enlists 10- Narandrosterone, Anabolic Steroid as anabolic androgenic steroid under S1 of the WADA’s List of Prohibited Substance, 2018 and is a *non-specified substance*.
3. Consequently, NADA issued a notice of charge dated 28.12.2018 (“**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. The Athlete has not elected to opt for the testing of Sample B and is thus deemed to have accepted the results. He has submitted a written representation dated 15.03.2019 stating therein that he had taken a medicine from the medical store as per the advice of his senior.
5. Oral hearing was conducted on 12.06.2019 by the Hearing Panel constituted under Rule 8.3.2. The hearing was attended by Mr. Yasir Arafat, Law Officer, NADA. The Athlete has appeared before the Panel in person.

Submissions of the Athlete

6. In his representation dated 15.03.2019, the Athlete has admitted to having taken a medicine for strength/energy, as per the advice given to him by his senior. The Athlete further states that he did not know that the said medicine was banned under the WADA List of Prohibited Substances. During the oral submissions, the Athlete has further submitted that he had gone to a private doctor with a complaint of pain in the knee and



the doctor had given him an injection for the same. However, the Athlete does not have any documents or prescriptions to support his case.

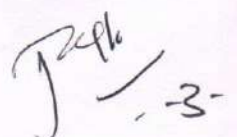
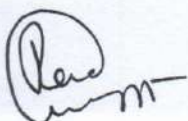
Submissions of NADA

7. 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 is to be demonstrated so as to establish a case of anti-doping rule violation under Article 2.1.
8. In the above background, it is submitted by NADA that the Athlete has knowingly consumed the doping substance, at the behest of another athlete, for purposes of enhancing his performance by prohibited means.

Observations and Findings of the Panel

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

9. It is undisputed that the Athlete's Sample has tested positive for **10- Narandrosterone, Anabolic Steroid**. 10- Narandrosterone is a non-specified substances and listed as an anabolic androgenic steroid under category S1 of the WADA list.
10. 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.
11. 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.
12. In the instant case, the Athlete has admitted in his representation that he had consumed the prohibited substance on the advice of his senior for gaining strength / more energy. The averment that the Athlete did not know that the said substance was prohibited is

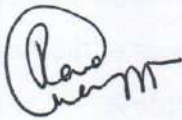


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not believable inasmuch as it was not only specifically taken for energy / strength, which is necessary in a sport such as Kabbadi, but was taken without any underlying medical condition or on a doctor's prescription. In view of the same, not only has the Athlete admitted to having taken the prohibited substance but he has also admitted that it was his intention to consume the said substance.

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 wherein the consumption of prohibited substance and intent in respect of the same have both been established, 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 is liable for sanctions under Article 10.2.1.1 for an ineligibility for a period of 4 years. In the present case, the Athlete has been provisionally suspended from participating in any National Sports Federation / International Federation sanctioned Competition, as set out in Clause 5 of the Notice of Charge 28.12.2018. The period of his ineligibility for the period of 4 years shall commence from the date of provisional suspension, i.e. 28.12.2018.**

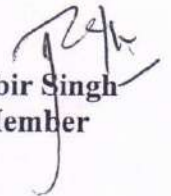
Dated 22/07/2019



Col Dr. Rana K. Chengappa
Member



Surbhi Mehta
Chairperson



Jagbir Singh
Member