

**BEFORE THE ANTI-DOPING DISCIPLINARY PANEL**

**In the matter of Ms. Gunjan for the violation of Articles 2.1 & 2.2 of  
National Anti-Doping Rules, 2021**

**Case No.04/ADDP/2024**

(PROCEEDINGS CONDUCTED THROUGH VIRTUAL MODE)

**Quorum:** Mr. Chaitanya Mahajan, Chairperson

Dr. Sanjogita Soodan, Member

Ms. Abantika Deka, Member

**Present:** Mr. Yasir Arafat, NADA

Ms. Archana Gaur, Counsel for the Athlete

Ms. Gunjan, Athlete along with his father

**JUDGEMENT DATED 17.09.2024**

- A. The present proceedings before this Anti-Doping Disciplinary Panel “ADDP” constituted under the National Anti-Doping Rules **Article 8** emanate from the violation of the National Anti-Doping Rules Articles 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete’s Sample) & 2.2 (Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method). These are referred to as **“the ADR”** in this order. Capitalized terms used, but not defined in this letter, are as defined in the ADR against Ms. Gunjan **“the athlete”**.

B. The athlete is a National Level “Kabaddi” player.

**C. That the brief facts of the case are as follows:**

1. That on 20.01.2024, a NADA Doping Control Officer ("DCO") collected in-competition urine sample from the athlete at Khelo India Youth Games, Chennai, Tamil Nadu. Assisted by the DCO, the athlete split the sample into two separate bottles, which were given reference numbers A 6554049 (the "A sample") and B 6554049 (the "B sample"). The sample was transported to the World Anti-Doping Agency ("WADA")-accredited Laboratory, National Dope Testing Laboratory, Delhi. The Laboratory analysed the A sample in accordance with the procedures set out in WADA's International Standard for Laboratories. Analysis of the A sample returned an Adverse Analytical Finding ("AAF") for the following substance:

S1. Anabolic Androgenic Steroid: Mestanolone metabolite 17alpha-methyl-5alpha-androstane-3alpha, 17beta-diol - Anabolic Androgenic Steroid.

2. Mestanolone is an anabolic agent classified under S1.1 of the 2024 WADA Prohibited List and is defined thereunder as a non-specified substance.

3. The athlete was notified of the adverse analytical findings in sample no. 6554049 via a notification dated 14.02.2024. The sample confirmed the Adverse Analytical Finding on 12.02.2024, whereby the athlete was informed about the AAF in her sample reports. The analysis also highlighted the violation of Articles 2.1 and Article 2.2 of the NADA Anti-Doping Rule, 2021, due to the presence of Mestanolone metabolite 17alpha-methyl-5alpha-androstane-3alpha, 17beta-diol - Anabolic Androgenic Steroid.

4. The reply to the notice of AAF finding was given by the athlete vide letter dated 23.02.2024.
5. The athlete was subsequently served with a Notice of Charge, bearing No. K-11/1/2022-SPO, dated 27.02.2024. This Notice of Charge, issued under the NADA Anti-Doping Rules, 2021, accused the athlete of violating Rule 2.1 and Rule 2.2.

**D. ANTI-DOPING RULE VIOLATION(S) COMMITTED**

1. That the athlete violates the National Anti-Doping Rules 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample) & 2.2 (Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method).

**E. APPLICABLE CONSEQUENCES:**

1. As the record indicates the athlete has no prior ADRVs, NADA, India will seek the following proposed Consequences:
  - Disqualification of results in the Event during which the ADRV occurred and in Competitions subsequent to Sample collection or commission of the ADRV with all resulting Consequences including forfeiture of any medals, points and prizes;
  - A period of Ineligibility subject to potential elimination, reduction or suspension pursuant to Article 10 of the NADA ADR, of four (4) years.
  - Automatic publication of sanction.
2. The athlete has not been able to establish *No significant fault or Negligence* under Article 10.6.1.1 as well as she was unable to establish that the detected prohibited substance came from a *Contaminated Product* under Article 10.6.1.2.

**F. Submissions made by the Athlete are reproduced herein:**

1. In her written submissions dated 26.07.2024, That athlete vehemently denied the charges placed on her regarding violation of the anti-doping policy. The athlete further stated that she had no intent to use the Anabolic Androgenic Steroids, in any manner.
2. The athlete further contended that she had been suffering from chronic backache for several months. Seeking relief, the athlete consulted a general practitioner at a general hospital, who prescribed a month-long course of medication. The prescribed treatment included two capsules: Trovit D3 and Crocium K2. Despite following the prescribed medication regimen, the athlete did not experience any improvement in their backache. Subsequently, on the advice of family members, the athlete switched to Ayurvedic medicine.
3. It has been further submitted by the athlete that the supplement provided to her was unlabelled, as it was freshly prepared by the seller by grinding and crushing certain elements, he claimed to possess Ayurvedic properties. This led the athlete to believe that the supplement was safe and free from any harmful substances, unaware of the fraudulent actions of the seller. In the absence of any labelling, no medical practitioner could comment on its potential adverse effects when the athlete consulted them to determine the supplement's safety.
4. The athlete also submitted that the consumption of the said substance was unintentional and the ingestion of the same had been advised by the shop owner to which the athlete consulted in a bonafide manner.
5. The athlete stated that she had been duped without any fault of the athlete, as the athlete hails from a small village not know what are prohibited substances. The athlete was completely unaware of the rules of NADA and its tests, athlete had never received any education about prohibited substances or testing method of NADA.

**G. Submissions made by NADA are reproduced herein:**

1. NADA submits 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. The liability cast on the Athlete under the rules is strict and considerations of intent, knowledge, fault or negligence are not required to be proved for establishing an Anti-Doping rule violation.
2. The athlete cannot simply plead her lack of intention to dope instead she must prove by a balance of probabilities that she did not engage in conduct that constituted an ADRV and manifestly disregarded that risk.
3. The Athlete has been unable to explain how the prohibited substance entered her body. NADA states that the medical prescription produced also does not explain the presence of the prohibited substance that has been found in the sample. In light of the same, it is submitted that a doping violation has occurred and the Athlete has been unable to discharge the onus cast on her to show that the violation was unintentional.

**H. Observation of the ADDP**

1. After reviewing the submissions of both parties, the ADDP concludes that the conduct of the athlete led to the Anti-Doping Rule Violation.
2. The Panel believes that the medical prescription on record does not indicate that the prescribed medicines caused prohibited substance found in the athlete's body.
3. In view of the above facts taken as a whole, it is established that a violation under Articles 2.1 and 2.2 of the Anti-Doping Rules has taken.
4. Once a violation of anti-doping rules has been established, Sanctions on Individuals as provided under Article 10 of the Anti-Doping Rules 2021 must ensue. The present case involves a non-specified substance and as per Article 10.2.1.1, the ineligibility

period of 4 years unless the Athlete can establish that the doping violation was unintentional.

### **I. Finding of the ADDP**

In view of the above-mentioned facts, circumstances, precedents, and rules, it is held that the athlete has violated Article 2.1 and Article 2.2 of the NADA ADR, 2021. She is hereby sanctioned with an ineligibility of four (4) years as per Article 10.2.1.1 of the NADA ADR, 2021. The ineligibility period shall commence from the date of Provisional Suspension i.e. 14.02.2024.

### **J. DISQUALIFICATION OF RESULT**

The ADDP directs that, in accordance with Article 10.10, all competitive results obtained by the athlete from the date of sample collection, 20.01.2024, shall stand disqualified, with all resulting consequences, including forfeiture of medals, points, and prizes.

**Dated: 17.09.2024**



Mr. Chaitanya Mahajan

(Chairperson)



Dr. Sanjogita Soodan

(Member)



Ms. Abantika Deka

(Member)