

National Anti Doping Agency
J.L.N Stadium, Hall No. 103-104, First Floor,
Lodhi Road, New Delhi 110 003
Telefax: 011-24368274

To,

Date: 13.09.2024

Mr. Davinder Singh
Sports-Kabaddi
D/o Shri Raghbir Singh,
R/o Village Mirpur, P.O. Jarout,
S.A.S Nagar, Mohali,
Punjab, India-140501.
[Email- ds6990606@gmail.com](mailto:ds6990606@gmail.com)

Subj: Decision of the Anti-Doping Disciplinary Panel Case No.- 189/ADDP.2023

NADA VS. Mr. Davinder Singh (DAMS ID – SIDAMA74387)

The order containing the decision of the Anti-Doping Disciplinary Panel dated 11.09 .2024 in respect of the final hearing of the above case held on 28.08.2024 is enclosed.

Please note that according to Article 13.2.2 of Anti-Doping Rules of NADA 2021, **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 by email at antidoping-panel@gov.in or may be filed directly at the office of the Anti- Doping Panel at J.L.N. Stadium, Ground Floor, Staircase No. 5, Near AICS Office, Lodi Road, New Delhi- 110003.

WADA and the International Federation have a right to appeal against the decision in accordance with Anti-Doping Rules.

Also please note that according to Article 10.7.1- (**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 10.7.1 ADR. Further, the athlete is subjected to a doping control test during the ineligibility period, therefore, the athlete is required to update his residential address as and when changed.

Copy of the NADA Anti-Doping Rules 2021 may be downloaded from NADA website at the following link: - <https://nadaindia.yas.gov.in>

The receipt of this communication may be acknowledged.

Encl: 07 Sheets.



(Yasir Arafat)

Sr. Programme Associate (Legal)

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. The World Anti-Doping Agency, Stock Exchange Tower, 800 Place Victoria (Suit 1700) P. O. Box 180, Montreal (Quebec), H4Z 1B7, Canada.
2. Amateur Kabaddi Federation of India E-386 Cabin-B (Basement) Greater Kailash Part 1 New Delhi – 110 048.
3. International Kabaddi Federation, 2, Akanksha, Ajmer Road, Jaipur, Rajasthan - India 302021.

IN THE CHAMBER OF ANTI-DOPING DISCIPLINARY PANEL

J.L.N. STADIUM COMPLEX, ENTRY GATE NO.10, STAIRCASE NO.5,

NEW DELHI – 110003, INDIA.

EMAIL: antidoping-panel@gov.in

IN THE MATTER OF:-

NADA

.....Authority

**Through Yasir
Arafat, Law Officer**

VS.

Davinder Singh

.....Athlete

FINAL ORDER

- (1) This order shall dispose of the proceedings initiated pursuant to the Notice of Charge (NOC) dated 11.12.2023 issued by NADA to the Athlete (Mr. Davinder Singh) for violation of Articles 2.1 and 2.2 of the Anti-Doping Rules, 2021 ("Rules") after his sample collected on 07.10.2023 while participating in the 72nd All India Police Wrestling Cluster 2023-24 held at Karnal, Haryana by the Doping Control Officer of NADA returned analytical finding for Stimulants/Mephentermine and its metabolite Phentermine which are non-specified prohibited substances under S6. category of WADA's Prohibited List 2023.
- (2) NADA notified its assertion relating to violating Anti-Doping Rules under Articles 2.1 and 2.2 by **Davinder Singh (Athlete - Kabaddi)**.
- (3) Mr. Yasir Arafat, Law Officer, NADA presented the case on behalf of NADA and produced the documents in support of the case. The

Athlete appeared through online mode on 28.08.2024 to present his reply to the Notice of Charge but chose not to file any supporting documents.

(4) **Factual Background:**

- (a) A urine sample ("Sample") of the athlete, Davinder Singh was collected on 07.10.2023 while participating in the 72nd All India Police Wrestling Cluster 2023-24 held at Karnal, Haryana. As per procedure, the Sample bearing code number 6551570 was split into two separate bottles, hereinafter referred to as Sample A and Sample B.
- (b) Sample A was tested at the National Dope Testing Laboratory, New Delhi and was returned with an Adverse Analytical Finding (AAF) for Stimulants/Mephentermine and its metabolite Phentermine which are non-specified prohibited substances under S6. category of WADA's Prohibited List 2023.
- (c) Despite being informed by NADA via email dated 01.11.2023 regarding the Athlete's right to get his Sample B tested, the Athlete neither replied to the email nor sent any request to the NADA for testing of his Sample B. The Athlete was provisionally suspended via a notification dated 01.11.2023 issued by NADA in terms of Article 7.4.1 of the Anti-Doping Rules from participating in any sports events.
- (d) Consequently, NADA issued a notice of charge dated 11.12.2023 for violation of Rule 2.1 and 2.2 of the Anti-Doping Rules, 2021 ("Rule").
- (e) The Athlete chose not to file any response to the Notice of Charge dated 11.12.2023. The hearing was held on 28.08.2024 by the

Hearing Panel constituted under 8.1.2.2 of ADR, 2021. The athlete attended the hearing virtually.

5. Submissions of the Athlete

- a.** The Athlete denies using prohibited substances to gain any undue benefits in his sporting career. The athlete has been training/competing in sports for many years.
- b.** The Athlete did not file any written reply and denied taking any prohibited substance to enhance his performance but informed the panel that he had taken treatment for his knee injury which might have caused the prohibited substances being detected in his sample, however, he did not place any medical documents on record till the day of the hearing. During the proceedings, he informed the Panel that he would submit the medical documents within one week, however, he has not submitted the medical documents to verify his claim that medicines might have caused the prohibited substance found in the sample.

6. Submissions of NADA

- a.** 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 to demonstrate intent, fault, negligence or knowing use on the part of the Athlete to establish a case of anti-doping rule violation under Article 2.1.
- b.** In the present case, it is submitted by NADA that the Athlete has failed to prove that he has taken due care and caution to ensure that no prohibited substance enters his body. He has failed to discharge his professional duty that he is not supposed to take any substance which

might contain a prohibited substance and hence is not eligible for any benefit of exoneration or reduction from the ADRV charges.

- c. It is further submitted by the counsel of NADA that in case of non-specified substances, there is a presumption of intentional use of prohibited substances under article 10.2.1 in order to gain an unfair advantage over other athletes, and hence the athlete is liable for four years of ineligibility.

7. Observations and Findings of the Panel

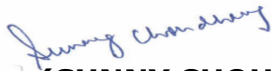
- a. As per Article 2.1 of the National Anti-Doping Rules 2021, it is the personal duty of every Athlete to ensure that no prohibited substance, specified or non-specified, as defined and prescribed in the Prohibited List of Substances, 2023 of WADA enters his or her body. Article 2.1.2 further provides that the sufficient proof of an anti-doping rule violation under Article 2.1 is established by the presence of the Prohibited Substance or its Metabolites or Markers in the Athlete's sample.
- (b) It is admitted and undisputed position that the Athlete's sample taken on 07.10.2023 while participating in the 72nd All India Police Wrestling Cluster 2023-24 held at Karnal, Haryana returned with an Adverse Analytical Finding (AAF) for Stimulants/Mephentermine and its metabolite Phentermine which are non-specified prohibited substances under S6. category of WADA's Prohibited List 2023.
- (c) The Athlete neither sought 'B' sample analysis in terms of National Anti-Doping Rules, 2021 nor provided any satisfactory explanation as to how the prohibited substance entered his body and stated during the hearing that he had taken the treatment for his knee injury without producing any medical documents.

- (d) The Athlete has participated in several competitions and being an experienced sportsperson, he should have exercised due caution in taking any substance/medicines caused by the prohibited substance in the sample.
- (e) When a sample testing returns a positive finding, the burden is on the Athlete to explain and justify how the prohibited substance has entered his/her body.
- (f) The Athlete denied taking any prohibited non-specified substance intentionally and submitted that he has not taken anything and only took treatment for his knee injury, though the prescription for any such medicines issued by any doctor has not been produced before the Hearing Panel despite the sufficient opportunity. The athlete has also not mentioned the name of any medicines/supplements in the Doping Control Form.
- (g) The Hearing Panel is of the opinion that the present case appears to be a case of intentional doping where the prohibited substances taken in injectable form were used by the Athlete. In the absence of any medical report showing that the Athlete has taken any medicine for treatment of any illness which has prohibited substance or the food supplements consumed by him were adulterated, the only reasonable conclusion after the sample of the Athlete turned positive for use of non-specified prohibited substance is that the Athlete has intentionally consumed steroids/prohibited non-specified substance to enhance strength and power and when his sample turned positive for doping, he took this plea that she took treatment for knee injury.

- (h) The Athlete has taken these steroids/non-specified substances to gain strength and power which gives him undue advantage over the other athletes in the competition/Wrestling Selection Trials, and therefore, the consumption of these steroids is banned by WADA.
- (i) The Athlete has not obtained Therapeutic Use Exemption (TUE) from NADA before the use of any medicines and took the prohibited substance/steroids intentionally to enhance her strength and performance. The presence of the prohibited substance in the body of the Athlete shows that these prohibited substances were consumed by the Athlete to enhance his performance and strength which is in violation of the Anti-Doping Rules, 2021.
- (j) In view of the above, it is established that a violation under Article 2.1 of the Anti-Doping Rules has taken place. The explanation offered by the Athlete for consuming the prohibited substance is unbelievable and unacceptable and it clearly shows that the consumption of these prohibited substances was intentional to enhance performance and strength.
- (k) Once a violation of anti-doping rules has been established, sanctions of individuals as provided under Article 10 of the National Anti-Doping Rules, 2021 must ensue. The Hearing Panel holds that since the Athlete has intentionally consumed the non-specified prohibited substances, **he is liable for sanctions under Article 10.2.1.1 for ineligibility for 4 years.**
- (l) In the present case, since the Athlete was provisionally suspended as evident by the Notification dated 01.11.2023, **the period of**

his ineligibility for 4 years shall commence from the date of the Notification dated 01.11.2023.

- (m) We also direct that under Article 10.10 all other competitive results obtained by the athlete from the date of sample collection i.e., 07.10.2023 shall be disqualified with all resulting consequences including forfeiture of medals, points, and prizes.



(SUNNY CHOUDHARY)

Chairperson



(DR. R.K. ARYA)

MEMBER



(ARCHANA SURVE)

MEMBER

Dated: 11.09.2024