

Anti Doping Disciplinary Panel

Jawharlal Nehru Stadium, Gate No. 10, 1st Floor, Hall No. 103
Lodhi Road, New Delhi, 110003
Tele. 011-24368274

To,

Date: 11.01.2024

Mr. Malak Singh (Sports-Rowing)
S/o Hansa Singh, Ward No. 1,
Bhagwanpur (Hingna) Sardulgarh,
Mansa, Punjab

Subject: Decision of the Anti Doping Disciplinary Panel Case No.-145/ADDP/2023

NADA VS Malak Singh

The order containing the decision of the Anti-Doping Disciplinary Panel dated 23.12.2023 in respect of the hearing of the above case held on 30/11/2023 is enclosed.

It may please be noted that according to Article 13.2.2 of Anti Doping Rules, 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 at the abovementioned address.

Also please note that according of 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 10.7.1.1 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 2021 may be downloaded from NADA website at the following link:- [Downloadable Resources – NADA India \(yas.gov.in\)](https://www.yas.gov.in/).

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. World Anti Doping Agency, Stock Exchange Tower, 800 Place Victoria (Suit 1700) P. O. Box 180, Montreal (Quebec), H4Z 1B7, Canada
2. General Secretary, Rowing Federation of India, Secretariat, Mahakali Caves Road, Andheri East, Mumbai – 400093.
3. World Rowing, Maison du Sport International, Av. de Rhodanie 54, 1007 Lausanne, Switzerland.

Encl: 04 sheets.

BEFORE THE ANTI-DOPING DISCIPLINARY PANEL

In the matter of Mr. Malak Singh (Sports-Rowing) for violation of Articles 2.1 and 2.2 of National Anti-Doping Rules, 2021.

(PROCEEDINGS CONDUCTED THROUGH VIRTUALMODE)

Quorum: Ms. Jyoti Zongluju, Chairperson, ADDP
Dr. Sanjogita Soodan, Member, ADDP
Ms. Archana Shinde, Member, ADDP

Present: Mr. Yasir Arafat, NADA
Mr. Malak Singh, Athlete

J U D G E M E N T

23.12.2023

1. The present proceedings before this Anti-Doping Disciplinary Panel (“**this panel**”) emanate from Anti-Doping Rule Violations (“**ADRV**”) by Malak Singh (“**the athlete**”) of Articles 2.1 and 2.2 of the National Anti-Doping Rules. The athlete is a National Level Rowing Player and his date of birth as stated by him in the Dope Control Form (“**DCF**”), happens to be **22.09.2004**.
2. Brief Facts of the case are as follows:
 - 2.1 That Athlete namely “Malak Singh” was selected for the Doping Control Test during the Khelo India University Games at Lucknow, Uttar Pradesh. The Sample Collection process was conducted on 29.05.2023 where the urine Samples of the Athlete were collected by NADA’s Dope Control Officer (DCO). The urine sample of the Athlete was separated into 2 parts A & B with the unique Code “**6502856 & 6502862**”.
 - 2.2 A Samples of 6502856 & 6502862 of the athlete were tested at the National Dope Testing Laboratory (NDTL), Delhi in accordance with the procedures set out in WADA’s International Standard for Laboratories and were returned with an

Adverse Analytical Finding (“AAF”) for *S6. Stimulant/Mephentermine and its metabolites Phentermine* being a non-specified substance under the WADA Prohibited List of 2023. By Article 10.9.3.1 of ADR, 2021 both the ADRVs were treated as a single violation.

2.3 That under Article 7.2.1 of ADR, the initial review of sample A showed that the Athlete did not have Therapeutic Use Exemption (TUE); there was no apparent departure from the International Standard for Testing and Investigations (‘ISTI’) or the International Standard for Laboratories (‘ISL’) that could undermine the validity of the AAF. It had not been caused by ingestion of the relevant Prohibited Substance through a permitted route.

2.4 That the Notification was issued by NADA on 27.06.2023 wherein, he was notified that he has been charged for violation of Rule Articles 2.1 & 2.2 of ADR. The Athlete was provisionally suspended on 05.06.2023 in accordance with the mandatory provision under Article 7.9.1 of the Rules as the prohibited substance is non-specified. In the aforesaid letter, the Athlete was also informed of his right to have his B sample specimen tested and the right to an impartial hearing by the Independent Anti-Doping Disciplinary Panel.

2.5 The Notice of Charge was issued to the Athlete on 28.06.2023 and the final opportunity to submit an explanation was granted to the Athlete. The athlete has not submitted his Written Statements before the panel.

3. The final hearing was held on 30.11.2023.

4. The submissions made by the Athlete are reproduced herein:

The Athlete denied the intentional use of prohibited substances. The Athlete had no awareness of the existence of anti-doping rules or prohibited substances. On an inquiry asked by the panel as to how the prohibited substance entered into his system. He has failed to explain how the substance enters into his system.

5. Submissions by NADA

NADA during the ADDP proceedings submitted 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 to establish a case of anti-doping rule violation under Article 2.1. In the said 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.

It is the submission on behalf of NADA that in the present case, the Athlete has not furnished any explanation or put forward any defense. It is the submission of NADA that the Athlete's conduct has been intentional and the anti-doping violation is liable to attract an ineligibility period of 4 years under Article 10.2.1.1.

Findings of the Panel

We have heard the arguments made by the Athlete and his Counsel, and arguments by NADA, and perused the available material on record shared with us.

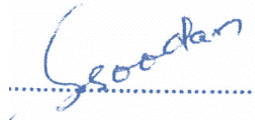
1. It is undisputed that the Athlete's Samples have tested positive for ***Stimulant/Mephentermine and its metabolites Phentermine*** being a non-specified substance of the WADA Prohibited List of 2023.
2. Where a sample testing returns a positive finding, the onus is on the athlete to explain how the substance entered his/her body. Fault, negligence, or knowing use are not relevant considerations that need to be proved while making a case for anti-doping violation. The liability cast on the athlete is thus strict.
3. The Athlete has failed to establish how the prohibited substance enters his system. Given 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.
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 is attracted unless the Athlete can establish that the doping violation was unintentional.

5. In view of the Facts, Circumstances, and Rules mentioned above, it is held that the Athlete has violated Articles 2.1 & 2.2 of the NADA ADR, 2021, **he is hereby sanctioned with an ineligibility of four (04) years from the date of provisional suspension i.e., 27.06.2023 under Article 10.2.1.1 of ADR, 2021.** It shall be noted that the athlete has **failed to satisfy the panel that the ADRV was non-intentional as per Article 10.2.1.1 of the NADA ADR, 2021.**
6. We also direct that under Article 10.10 all other competitive results obtained by the athlete from the date of sample collection i.e., 29.05.2023 shall be disqualified with all resulting consequences including forfeiture of medals, points, and prizes.

The matter is disposed of, accordingly.



Jyoti Zongluju
(Chairperson)



Dr. Sanjogita Soodan
(Member)



Archana Shinde
(Member)