

BEFORE THE ANTI-DOPING DISCIPLINARY PANEL

In the matter of Mr. G. Lakshmanan (Sports-Athletics) for violation of Article 2.4 of ADR, 2021.

(PROCEEDINGS CONDUCTED THROUGH VIRTUAL MODE)

Case No. 164/ADDP/2023

Quorum: Ms. Jyoti Zongluju, Chairperson

Dr. Rana Chengappa, Member

Mr. Jagbir Singh, Member

Present: Mr. G. Lakshmanan in person
Mr. Yasir Arafat Law Officer for NADA

ORDER

1. The present proceedings before this Anti-Doping Disciplinary Panel (“this Panel”) emanate from the violation of Article 2.4 against Mr. G. Lakshmanan (“the athlete”) who is a national-level player.

BACKGROUND:

To facilitate Out-of-Competition Testing, National Anti-Doping Agency (NADA) is required to maintain a Registered Testing Pool (RTP). Athletes in NADA RTP have an obligation to make quarterly whereabouts submissions which outline their regular activities and provide a 60-minute period each day when the Athlete will be available for Testing. If an RTP athlete fails to file their whereabouts information, fails to keep the information up to date, or fails to be available during their identified 60-minute period, they are at risk of receiving a Whereabouts Failure. Any combination of three (3) Whereabouts Failures within twelve (12) months by an RTP athlete may result in an anti-doping rule violation (ADRV).

THE FACTS OF THE CASE ARE AS FOLLOWS:

2. The Athlete Mr. G. Lakshman was included in NADA Registered Testing Pool (RTP) vide an email dated 07.03.2022 and 10.12.2022.
3. During the period between July to December 2022, NADA recorded three (3) Whereabouts Failure/Missed Test against the Athlete, which can be summarized as follows:

1st Whereabouts Failure (Q-3 July to September 2022) recorded on 29.12.2022

2nd Whereabouts Failure (Q-4 October to December 2022) recorded on 31.12.2022

3rd Whereabouts Failure /Missed Test (26.03.2022) recorded on 09.08.2023

4. A notification was issued to the Athlete on 10.08.2023 informing him of the ADRV and that he was provisionally suspended from participating in any further sporting events till the conclusion of disciplinary proceedings pending against him. Through the said notification the athlete was informed about his rights and that in case the athlete is unwilling to accept the consequences to the right to a hearing before the anti-doping disciplinary panel.
5. On 06.09.2023, NADA issued a notice of charge for violating Rule 2.4 of the National Anti-Doping Rules, 2021 (“ADR”).
6. The virtual hearing was conducted on 01.02.2024 by the Hearing Panel constituted under Article 8 of ADR, 2021. The hearing was attended by Mr Yasir Arafat, Law Officer, NADA. The Athlete attended the hearing in person.

ATHLETE SUBMISSION:

7. The Athlete acknowledges the failure to file whereabouts information but disputes the missed test that occurred on March 26, 2023. He explains that his daughter was seriously ill, and he had to travel to his native place to take care of her daughter. Additionally, he states that he was injured and undergoing Ayurvedic treatment at the time. The Athlete maintains that he attempted to update his whereabouts information, but encountered technical difficulties that prevented him from doing so. He further asserts that he is prepared to provide the necessary information to NADA at any time. Lastly, he urged reduced penalties.

NADA SUBMISSION:

8. NADA has submitted that 3 Filing failures/Missed Tests were recorded against the Athlete in the period of 12 months.
9. NADA submits that the Athlete's first and second Whereabouts Filing Failures were recorded because the Athlete failed to file his whereabouts information. The third Whereabouts Filing Failure was recorded due to a missed test on 26.03.2023. It is alleged that the DCO reached the location provided in the Athlete's whereabouts information during the relevant 60-minute slot between 7:00 pm to 8:00 pm. The Whereabouts Information on ADAMS specified the following address: “Primary Residence/ Home address: Vijay Deepa Guest House No. 16/A1 Appleby Road Near Joseph College Road Coonoor, Tamil Nadu, India 643102.
10. NADA highlighted Article 4.8.8.5 (c) of the International Standard for Testing and Investigations (ISTI), which states that if an athlete fails to make themselves available for testing during their designated 60-minute time slot at the prescribed location for that day, they will be held accountable for a Missed Test. Additionally, it has been brought to attention that the athlete has missed three whereabouts tests within a span of twelve

months, which amounts to a violation of Article 2.4 ADR and liable for a period of ineligibility of two years.

OBSERVATION OF THE PANEL

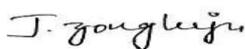
- 11.** We have heard both the parties at length. The Panel is of the view that it is the Athlete's responsibility to ensure that he must provide all the information required in a Whereabouts Filing accurately and in sufficient detail to enable any Anti-Doping Organization wishing to do so to locate the Athlete for Testing on any given day in the quarter at the times and locations specified by the Athlete in his Whereabouts Filing for that day, including but not limited to during the 60-minute time slot specified for that day in the Whereabouts Filing. Furthermore, the Athlete has an obligation to be present and available for Testing on any given day during the 60- minute time slot specified for that day in his/her Whereabouts Filing, at the location that the Athlete has specified for that time slot in such filing.
- 12.** Having said that, this Panel finds that the conditions set forth in Article B.2.4(c) of the International Standard for Testing and Investigations (ISRM) have been met in this case, and that the Athlete has committed an Anti-Doping Rule Violation. The Athlete's explanations presented in defense are deemed unsatisfactory, as the Athlete had enough time to update his whereabouts information but failed to do so. Therefore, the Panel concludes that the Athlete is subject to sanctions under Article 10.3.2 of the National Anti-Doping Rules, 2021, and shall be ineligible for a period of two (2) years.
- 13.** In view of the facts, circumstances and rules mentioned above, it is held that the Athlete has violated Article 2.4 of the ADR, 2021 and **he is hereby sanctioned with an ineligibility period of two (2) years from the date of provisional suspension i.e., 10.08.2023.**

Dated: 19.03.2024



Jagbir Singh
Member

Mr. Jagbir Singh
Member



J. zongluju

Ms. Jyoti Zongluju
Chairperson



Dr. Rana Chengappa

Dr. Rana Chengappa
Member