

BANGALORE SUMMER MEETING 2023
SECOND EXTRA DAY, SATURDAY , 19TH AUGUST, 2023

RACING INCIDENTS

(189 - 196)

GOING : Good

PENETROMETER READING: 3.0 Cms.

RAILING POSITION: Railing fixed at average width of 2 Metres from 1600 Metres to winning post from its original position.

1st Race: 189. Betway World Humanitarian Day Plate - (About) 1400 metres. Horses rated 00 to 25, 5 years old and over (9 Runners).

Jockey Angad, the rider of ELITE AGENT was fined Rs.3,000/- for the excessive use of the whip on his mount during the race (1st infringement).

It was reported after the race that ULTIMATE CHANCE (Vivek.G) burst its blood vessels. Trainer Mr.S. Dominic was informed to produce a Fitness Certificate from the Club's Veterinary Officer before accepting with it again.

DAWN RISING (Rayan Ahmed R.) was subjected to veterinary examination but no abnormality was reported.

Routine Sample was taken for analysis from the winner b g ULTIMATE CHANCE.

2nd Race: 190. The Racing Officials Trophy - Div. II - (About) 1200 metres. Horses rated 20 to 45 (11 Runners).

As Jockey Yash Narredu was certified medically unfit to ride. Permission was granted to trainer Mr. S. Narredu to declare Jockey P. Trevor to ride SUPER SAPPHIRE in place of the declared rider.

PHOEBE (Inayat) took a fly jump and lost considerable ground at the start. In view of its behaviour, Trainer Mr.Pradeep Annaiah was informed not to accept with it again until its behaviour improved to the satisfaction of the Stipendiary Stewards in a jump out on a starting gate practice day.

Jockey Vinod Shinde, the rider of STRIKING EYES reported that he did not get a clear view between the 900 Metres to 600 Metres due to kick back of the track.

Jockey Shreyas Singh S, the rider of SUPERHERO was fined Rs.1,000/- for shifting 'in' and tightening ESTEFANIA (Antony Raj S.) on his inside approaching 700 Metres.

Jockey Shreyas Singh S, the rider of SUPERHERO reported that his saddle shifted back passing the 500 Meters. After due examination of the equipment, Trainer Mr.Faraz Arshad was fined Rs.3,000/- for faulty saddling of his charge.

ESTEFANIA (Antony Raj S.) sustained punctured wound on left fore fetlock.

SUPERHERO (Shreyas Singh S) sustained superficial injury on right hock.

Routine Sample was taken for analysis from the winner b r CAESARS PALACE.

3rd Race: 191. The Sayonara Stakes - (About) 1400 metres. Horses rated 20 to 45, 4 years old and over (Whips not allowed) (8 Runners).

MIGHTY SWALLOW (Arvind Kumar. N) was slowly away and lost few lengths at the start. In view of its behaviour, Trainer Mr.Pradeep Annaiah was informed not to accept with it again until its behaviour improved to the satisfaction of the Stipendiary Stewards in a jump out on a starting gate practice day.

SOUTHERN DYNASTY (Inayat) took a fly jump.

Jockey S. John, the rider of MILLBROOK was fined Rs.3,000/- for cutting across the field before passing the red marker post, whereby he caused interference to THE STRIKINGLY (P. Sai Kumar).

Routine Sample was taken for analysis from the winner b m MILLBROOK.

4th Race: 192. The Champion Trainer Trophy - (About) 1600 metres. Maiden Horses 3 years old only (Horses who have run at least thrice but not placed second, third or fourth even once ineligible). (8 Runners).

FEARLESS JOEY (M. Prabhakaran) was slowly away and lost few lengths at the start. In view of its behaviour, Trainer Mr. S. Narredu was informed not to accept with it again until its behaviour improved to the satisfaction of the Stipendiary Stewards in a jump out on a starting gate practice day.

Jockey C.Umesh, the rider of SENSATIONS was fined Rs.1,000/- for shifting 'in' and causing interference to HIGH TRIBUTE (Hindu Singh), which in turn passed it onto STRAVINSKY (P. Trevor) on his inside at the start.

Jockey P. Trevor, the rider of STRAVINSKY reported that his mount was galloping in patches and running green during the race. The horse was subjected to veterinary examination but no abnormality was reported.

Jockey Arul J.H, the rider of SIAN reported that his mount was not galloping fluently after entering the straight. The horse was subjected to veterinary examination but no abnormality was reported.

Jockey Neeraj Rawal, the rider of REGAL ARISTOCRACY reported that his mount was lugging out under pressure in the final 150 Metres of the race.

SENSATIONS (C.Umesh) ran detached from the field. Trainer Mr. James Mckeown was informed to ensure better performance of his charge in future.

It was reported after the race that IMPERIAL GESTURE (Akshay Kumar) burst its blood vessels. Trainer Mr.Vijay Singh was informed to produce a Fitness Certificate from the Club's Veterinary Officer before accepting with it again.

Routine Sample was taken for analysis from the winner dk b f NORWEGIAN WOOD.

5th Race: 193. The Leading Owner Trophy - (About) 1200 metres. Horses rated 40 to 65, 6 years old and over (8 Runners).

It was observed that MICHIGAN MELODY (S. John) accidentally stumbled passing the 700 Metres.

It was observed that ANAKIN (Vivek) accidentally brushed the rails passing the 700 Metres.

ANAKIN (Vivek) sustained superficial injury on right hock.

Routine Sample was taken for analysis from the winner dk b m MICHIGAN MELODY.

6th Race: 194. The Champion Jockey Trophy - (About) 1600 metres. Horses rated 40 to 65, 4 years old and over (8 Runners).

It rained heavily before the start of the six race.

MEASURE OF TIME (Rayan Ahmed R.) accidentally stumbled soon after the start.

It was reported after the race that BALOR (Inayat) burst its blood vessels. Trainer Mr. Darius R. Byramji was informed to produce a Fitness Certificate from the Club's Veterinary Officer before accepting with it again.

It was reported after the race that LORD FRANKEL (S. John) burst its blood vessels. Trainer Mr. Imtiaz Khan was informed to produce a Fitness Certificate from the Club's Veterinary Officer before accepting with it again.

Routine Sample was taken for analysis from the winner dk b f VICTORIA PUNCH.

7th Race: 195. The Leading Stud Trophy - (About) 1400 metres. Horses rated 70 and above (9 Runners).

As Jockey Yash Narredu was certified medically unfit to ride. Permission was granted to trainer Mr. S. Narredu to declare Jockey Akshay Kumar to ride SHAMROCK in place of the declared rider.

Jockey Akshay Kumar, the rider of SHAMROCK placed 2nd by the judge objected against Jockey Antony Raj S., the rider of LAST WISH placed 1st for "In the last 200 Metres as my horse was full of running the winner shifted out whereby I had to take my horse on his inside and again he shifted inside and took my ground, which cost me a certain race". The Stewards held an enquiry immediately after the race and interviewed the Jockeys concerned. After deliberations, they decided to overrule the objection. Further, Jockey Akshay Kumar was fined Rs.5,000/- for lodging a frivolous objection.

Routine Sample was taken for analysis from the winner b g LAST WISH.

Due to heavy rain rendering the race track not conducive for racing, the Stewards of the Bangalore Turf Club Ltd., decided to cancel the last race of the day.

Permission was granted to trainer M/s. S. Narredu, Neil B. Devaney and Faraz Arshad to deputize on behalf of trainer M/s. Rajesh Narredu, Warren Singh and Neil Darashah who were unable to attend the races.

BREATHALYSER TEST

No. of Riders Tested : 10
Results : Negative

Starting Remarks : Issued by the Starters separately

No. of Races : 7
No. of Runners : 61
Average Runners per race : 8.7

ADDITIONAL REPORTS
BANGALORE SUMMER MEETING 2023
THIRTEENH DAY, SATURDAY, 1ST JULY, 2023

Race: 94. The Malakpet Plate - Div. I - (About) 1400 metres. Horses rated 20 to 45, 5 years old and over.

The Stipendiary Stewards reported Jockey P. Trevor to the Stewards on 18th August, 2023 for Unsatisfactory Riding [Rule No. 161 (ii) of the BTC Rules of Racing] on his mount TOP DANCER.

The Stewards after considering the Charge Sheet No.830 issued to Jockey P. Trevor, after viewing the CCTV replay of the above race, submissions made by Trainer Mr. Neil B. Devaney & Jockey P. Trevor and after deliberations, they decided to:

- (a) Fine Jockey P. Trevor a sum of Rs.10,000/- for Unsatisfactory riding [Rule No. 161 (ii)] on his mount TOP DANCER of BTC Rules of Racing.
- (b) Note the explanations tendered by Trainer Mr. Neil B. Devaney.

TWENTIETH DAY , SUNDAY , 23RD JULY 2023

Race: 141. The Flirting Vision Plate - Div. II - (About) 1100 metres. Horses rated 20 to 45.

The Stipendiary Stewards reported Jockey S. Zervan to the Stewards for Contravention of Rule No. 159 (a) & (b) of the B.T.C. Rules of Racing on his mount SEA EAGLE.

The Stewards held an enquiry on 18th August, 2023 and examined Jockey S. Zervan and Trainer Mr. Neil Darashah.

The Stewards considered the following:

- The Minutes of the Preliminary enquiry conducted by the enquiry officers;
- Charge sheet No. 832 issued to Jockey S. Zervan by the Stipendiary Steward;
- The Submissions made by Jockey S. Zervan and Trainer Mr. Neil Darashah during the enquiry;
- Stewards viewed various angles of the race with specific reference to riding by Jockey S. Zervan;
- The Stewards noted that Jockey S. Zervan had not pleaded guilty to the alleged breach of Contravening Rule No. 159 (a) & (b) of the BTC Rules of Racing as charged by the Stipendiary Steward.

After deliberations, they decided to change the charges levelled against Jockey S. Zervan by the Stipendiary Stewards from Contravention of Rule No. 159 (a) & (b) of the B.T.C Rules of Racing to Unsatisfactory Riding 161 (ii) of the B.T.C. Rules of Racing and thereafter decided as under:-

- The Stewards also noted that Jockey S. Zervan was already suspended by the Stewards of the club for the *period covering the first four (4) race days of Bangalore Winter Meeting 2023-24* for Dangerous Riding [Rule No. 161 (i) of the BTC Rules of Racing] on his mount **FAST PACE**.

In light of the above, the Stewards decided as under:

- (a) Suspend the Jockey's Licence granted to S. Zervan **for the period covering the next eight (8) race days of BWM 2023-24 and fine him a sum of Rs. 25,000/-** for Unsatisfactory Riding [Rule No. 161 (ii) of the BTC Rules of Racing] on his mount SEA EAGLE (He is permitted to ride work);
- (b) Note the explanations tendered by Trainer Mr. Neil Darashah.
- (c) He was informed of his right to appeal to the Board of Appeal.

TWENTYSECOND DAY, SATURDAY , 12TH AUGUST, 2023

Race: 179. The Camineto Plate - Div. II - (About) 1200 metres. Horses rated 20 to 45.

The Stipendiary Stewards reported Jockey Arul J.H. to the Stewards on 18th August, 2023 for Unsatisfactory Riding [Rule No. 161 (ii) of the BTC Rules of Racing] on his mount SMILE OF BEAUTY.

The Stewards after considering the Charge Sheet No.833 issued to Jockey Arul J.H., after viewing the CCTV replay of the above race, submissions made by Jockey Arul J.H. and Trainer Mr. S. Dominic and after deliberations, they decided to:

- (a) Suspend the Jockey's Licence granted to Arul J.H. **for the first eight (8) race days of Bangalore Winter Meeting 2023-24** for Unsatisfactory Riding [Rule No. 161 (ii) of the BTC Rules of Racing] on his mount SMILE OF BEAUTY (he is permitted to ride work).
- (b) Note the explanations tendered by Trainer Mr. S. Dominic.
- (c) He was informed of his right to appeal to the Board of Appeal.

24-8-2023

Sd/- T. RAMAN (Advisor Racing)
Sd/- G. RAVI SHANKAR
(Sr. Stipendiary Steward)
PUBLISHED BY THE ORDER OF THE STEWARDS

Bangalore Turf Club Ltd.

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ORDER OF THE BOARD OF APPEAL

Positive finding of TILUDRONIC ACID (Prohibited Substance) in b c 4 yr old ADJUSTMENT trained by Mr. S. Padmanabhan in Out of Competition Testing on 14th November, 2022.

The Board of Appeal of Bangalore Turf Club Ltd., at its meetings held on 25th July, 2023 and 7th August, 2023 considered the appeal dated 12th July, 2023, Chargesheet No.817 addressed by Trainer Mr. S. Padmanabhan against the decisions of the Stewards at their meetings held on 28th April, 2023 & 11th May, 2023.

1. In this connection, the Board considered the following:

- a) The Minutes of meeting of the Stewards dated 24/5/2023 together with all enclosures;
- b) Appeal email dated 12/7/2023 by Trainer Mr. S. Padmanabhan;
- c) Written Grounds of Appeal dated 21/7/2023 filed by Trainer Mr. S. Padmanabhan;
- d) The oral submissions made by Trainer Mr. S. Padmanabhan before the Board of Appeal;
- e) Rules of Racing of Bangalore Turf Club Limited;
- f) Racing Calendar and Medication Rules of Bangalore Turf Club Limited.
- g) Records of Trainer Mr. S. Padmanabhan;
- h) Order of the Stewards reading as under:

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"ORDER OF THE STEWARDS

Positive finding of TILUDRONIC ACID (Prohibited Substance) in horse 4yr old b c ADJUSTMENT trained by Mr. S. Padmanabhan in the out of competition testing done on the 14th November 2022.

The Stewards at their meetings held on 28.04.2023 and 11.05.2023 considered the following:

The Charge Sheet No.817 dated 14.03.2023 issued to Trainer Mr. S. Padmanabhan by the Senior Stipendiary Steward pertaining to the Positive finding of TILUDRONIC ACID (Prohibited Substance) in the Blood and Urine Sample of his charge b c ADJUSTMENT trained by Mr. S. Padmanabhan in the out of competition testing done on the 14th November 2022. The relevant sections of BTC Rules of Racing and BTC Medication Rules and copy of Charge Sheet is reproduced below:

"BTC CHARGE SHEET No: 817 Allegation of breach of the BTC Rules of Racing

Venue : Bangalore

Race No. NIL

Date: 14-11-2022

Defendant : Mr. S. Padmanabhan

Designation : Trainer

The BTC Stipendiary Steward alleged that the above named Defendant committed a breach of:

BTC Rule/s: as detailed below:

For contravention of B.T.C. Rules of Racing and Racing Calendar (Medication Rules) as the trainer of "b c ADJUSTMENT".

Sd/

Date: 14-03-2023

Sr. Stipendiary Steward"

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"Annexure to and forming part of the Charge Sheet No.817 dated 14/3/2023

1. As directed by the Stewards, random sample of blood and urine was taken for analysis from your charge b c (4 year old) ADJUSTMENT on 14/11/2022.
2. The samples were drawn and sent for analysis to M/s.QuantiLab, Mauritius procedurally on 14/11/2022.
3. The said lab vide its report dt.02/12/2022 has informed the club that, the blood and urine sample taken from the horse ADJUSTMENT have tested positive for TILUDRONIC ACID.
4. As the positive sample was not classified in the list of Classes forming a place in the Medication Rules, the Stewards in terms of the Calendar Notification would act as follows :-

IMPORTANT NOTE :

*Wherever any substance or metabolite or isomers of the substance and its metabolites have not been classified in the list of classes appended, the Stewards shall, at their discretion, with due technical consultation decide whether and where that particular substance is to be classified. Such classification will be applicable to **all positive cases under/pending enquiry.***

5. Your act as causing the illicit substances to be administered to your charge constitute an improper practice as per the following Rules of BTC :

Rule No. 202 – Improper practice :-

The Stewards and/or the Stewards of the Club shall fine and/or punish and/or warn off and/or exclude and/or eject and/or disqualify and/or suspend or withdraw Licences, for any reason or reasons, from any race course or place where these Rules are in force, any of the following persons viz.:

- (i) Any person who in their opinion has been guilty of any
 - (a) dishonest, corrupt,
 - (b) fraudulent, or
 - (c) **improper practice or**
 - (d) dishonourable action

in connection with racing anywhere.

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6. It has been well established by the Veterinary Commission, TAI and the ARCI guidelines that certain regulations were not followed. The administration of TILUDRONIC ACID will turn out to be the administration of Bisphosphonate, an Illicit Substance. Categorically you claimed that, the injection caused to be given to ADJUSTMENT by you is from the old stock got from BTC Veterinary Hospital which is totally false statement. Your charge ART POWER was given TILUDRONIC ACID for 10 days – 10 vials from 30/01/2022 to 08/02/2022 and your charge I AM THE SPOTLIGHT was given for 10 days TILUDRONIC ACID from 17/12/2021 to 26/12/2021. However the question of you possessing left over stock from the BTC Veterinary Hospital is a false statement. Furthermore your assistant Mr.Rishi stated during the enquiry that you had kept a sealed box of 10 vials of TILUDRONIC ACID out of which 2 vials was said to be administered to ADJUSTMENT. Then your statement is totally lie, thereby warranting action against you in terms of Rule No.202 (vi) & (vii) of BTC Rules of Racing reproduced below:

Rule No. 202.*The Stewards and/or the Stewards of the Club shall fine and/or punish and/or warn off and/or exclude and/or eject and/or disqualify and/or suspend or withdraw Licences, for any reason or reasons, from any race course or place where these Rules are in force, any of the following persons viz.:*

(vi)*Any owner, nominator, trainer, jockey, lessee, apprentice, stable hand, bookmaker or bookmakers assistant or any person who either wilfully refuses to attend and give evidence at an enquiry when requested by the Stewards/Stewards of the Club/Stipendiary Stewards to do so, or knowingly gives evidence which is false or misleading in any particular.*

(vii)*any person who gives at any enquiry or appeal any evidence which in their opinion is false or misleading in any manner.*

7. This substance detected has been an illicit substance. Illicit substances meaning any substances which are prohibited and which have no legitimate use on horse and have high potential for abuse. You have not followed the Calendar notification as mentioned below :

1. As an **ILLICIT SUBSTANCE** if it is detected in and out of competition or post race test sample in any of the following events :

b) When such administration is without prior approval from the Regulatory Authority.

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c) When the Regulatory Authority has not received timely notification of its administration within 24 hours.

f) When it is not administered in accordance with the product label instructions.

You are attracted by the above rules.

8. During the enquiry Dr.Kalamegam was asked to produce the X-ray findings as he had stated that the horse was suffering from navicular syndrome and resorption of bone in cannon. When Dr.Kalamegam presented the X-ray with lesion, the CVO observed that there was no lesion visible in the X-ray as stated by Dr.Kalamegam. Further, as regards the navicular syndrome as said to be diagnosed by Dr.Kalamegam and Dr.Hasneyn Mirza from the X-ray, Dr.Kalamegam could not produce any X-ray of the hoof of the said horse to prove that the horse was diagnosed with navicular syndrome.

9. Subsequently Dr.Syed Naveed Ahmed was asked to examine the said x-rays and give his opinion regarding bone resorption in cannon and navicular syndrome in hoof, for which he clearly opined that there was no lesion in the said X-rays as mentioned by Dr.Kalamegam.

10. As per the statement made by you and your assistant Mr.Rishi the horse ADJUSTMENT was given 2 dose of TILUDRONIC ACID on 7th and 9th of November, 2022 although opinions among the doctors vary as to the fitness of the horse to run in a race between 35 days to 90 days. You were advised to rest the horse for two weeks by Dr.Hasneyn Mirza. However, you have galloped the horse ADJUSTMENT on 12/11/2022 & 19/11/2022 and run the horse in the Mock Race on 02/12/2022. We could logically conclude your intention was to run the horse in the Bangalore 2000 Guineas run on 17/12/2022 because while applying for a Mock Race you have stated so. To prepare the horse for the said race, you ran the horse in a Mock Race on 2nd December, 2022, but the horse pulled up lame after the Mock Race.

11. This horse is said to be given the drug Bisphosphonates (TILUDRONIC ACID) on 7th& 9th of November, 2022 by Dr.Kalamegam by injection. Dr.Kalamegam said that at the instructions of Dr.Hasneyn Mirza he administered the drug to the horse. This horse had to be given rest but however, you had worked the horse, as evidenced by the track work reported in Indiarace.com, racingpulse.com and work noted on the commercial card as below and also ran the horse on 25/01/2023 :

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Indiarace.com

02 Dec 2022 BAN Evaldo (Shamaz Shareef), King Louis (Y S Srinath), Triumphant (Trevor Patel), All Attractive (P Ramesh), Philosophy (Md Akram), Victoria Punch (Salman Khan), Disruptor (Darshan R N), Fortunatus (A Qureshi), Knotty Dancer (Nazerul Alam), Adjustment (Vinod Shinde), Aferpi (Siddaraju P), Antibes (-), 1-25.29 Won By:1,1 1/2,2 3/4,4,Snk,2 1/4,Ns,1,1 & 1 3/4 1st Two Named Impressed And Disruptor Slightly Slow Jump And Antibes Refused The Gallop. (-4) 1200m Mock Race

19 Nov 2022 BAN Adjustment (Md Akram), Prime Abbess (A Qureshi), 1-27 1000 In 1-11 600 In 43, Former Showed Out. (-3) 1200m Outer Sand

12 Nov 2022 BAN Adjustment (Md Akram) 1-29 1000 In 1-14.5 600 In 44 Retains Form. (-1) 1200m Outer Sand

racingpulse.com

BAN Jan 12, 2023 1200 M
40 4y bc Adjustment (Salman Khan)
1200 M 1:26.5 (-4)
1000 M 1:12.5 -3
600 M 44 -1
extended. (OS)

BAN Dec 02, 2022 1200 M
98 5y b g Evaldo (Shamaz Shareef)
61 4y dk b c King Louis (Y S Srinath)
32 4y b c Triumphant (Trevor Patel)
98 5y dk b g All Attractive (P Ramesh)
60 4y b f Philosophy (Md Akram)
65 4y dk b f Victoria Punch (Salman Khan)
45 4y ch g Disruptor (Darshan R N)
42 4y b g Fortunatus (A Qureshi)
100 5y b g Knotty Dancer (Nazerul Alam)
40 4y b c Adjustment (Vinod Shinde)
28 7y ch g Aferpi (Siddaraju P)
70 6y dk b m Antibes (R B)
1200 M 1:25.29 (-5)

won by:1,1 1/2,2 3/4,4,Snk,2 1/4,Ns,1,1 & 1 3/4 1st two named impressed and Disruptor slightly slow jump and Antibes refused the gallop. (Mock Race)

BAN Nov 19, 2022 1200 M

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40 4y bc Adjustment (Md Akram)
50 4y bf Prime Abbess (A Qureshi)
1200 M 1:27 (-3)
1000 M 1:11 -4
600 M 43 -2
former distance in front. (OS)
BAN Nov 12, 2022 1200 M
40 4y bc Adjustment (Md Akram)
1200 M 1:29 (-1)
1000 M 1:14.5 -1
600 M 44 -1
retains winning form. (OS)

Commercial card

02/12(M/R) 30 Adjustment – (Vinod Shinde)1400 1-25.29(-20)

(10th out of 12 horses) W-EVALDO

12. Whereas as per your Log Book, the horse was on rest on 12th November, 2022 and further no work Log Book maintained for any of your horses from 14/11/2022 to 28/11/2022. The horse ran a Mock Race on 02/12/2022. How the horse was worked on the said dates remains unanswered by you and also the track work record maintained by you is not fully completed which is an anomaly. For all these lapses, you as a Trainer is responsible for being negligent in the discharge of your duties as a trainer attracting Rule No.114 (b) (i) of Rules of Racing which is produced below:-

Rule No. 114 (b) *In addition to or in lieu of any other penalties or punishments as may be laid down under these Rules of Racing, a Trainer may be fine, suspended or disqualified by the Stewards:-*

(i) *If his conduct or negligence or neglect in the performance of his duties as a licenced professional has led or could have led to a breach of the Rules of Racing;*

13. As a trainer you have not followed the procedures and principles for administration of substance in terms of the BTC Medication Rules. Thus your act and that of the Veterinarian

directly administering a drug TILUDRONIC ACID attracts Rule No.16 (a) & (b) of BTC Medication Rules which is reproduced below :

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Rule No.16 :When a sample taken at any time from a horse trained by a Licensed Trainer has detected in it any Illicit Substance specified in Rule 14:

- (a) The trainer and/or any other person who was in-charge of such horse at the relevant time is guilty of an offence and a disqualification of not less than 2 years must be imposed unless there is a finding that a special circumstances backed with evidence exists, in which case the penalty may be reduced;
- (b) The horse may be disqualified from any race in which it has competed subsequent to the taking of such a sample found to contain an Illicit Substance.

14. You have not maintained the Medication Log Book regularly and the relevant Medication Rules are reproduced below :

Rule No. 19 of Medication Rules :-

A trainer must record in his log book (hand written) any medication or treatment administered to any horse in the Trainer's care by midnight on the day on which the administration was given.

(1) For the purpose of this Rule, each record of administration must include the following information :-

- (a) the name of the horse ;
(b) the date and time of administration of the treatment or medication;
(c) the name of the treatment or medication administered (brand name or active constituent);
(d) the route of administration including by injection, stomach tube, paste, topical application or inhalation;
(e) the amount of medication given (if applicable);
(f) the duration of treatment (if applicable);
(g) the name and signature of the person/s administering and/or authorizing the administration of the treatment or medication.

(2) For the purposes of this rule "treatment" includes :-

- a) shockwave therapy ;
b) acupuncture (including laser treatment);
c) chiropractic treatment;
d) the use of any electrical stimulation device (including transcutaneous electrical nerve stimulation (TENS));
e) magnetic field therapy ;
f) ultrasound ;

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- g) any form of oxygen therapy, including hyperbaric oxygen therapy;
- h) the taking of a blood sample.

(3) For the purposes of this Rule "medication" includes :-

- a) all Controlled Drugs administered by an Approved Veterinarian ;
- b) all Prescription Animal Remedies;
- c) all Prescription Only Medicines, prescribed and/or dispensed by an Approved Veterinarian for off-label use;
- d) all injectable medicines (intravenous, intramuscular, subcutaneous, intra-articular) not already referred to above;
- e) all Pharmacist Only medicines;
- f) all veterinary and other medicines containing other scheduled and unscheduled prohibited substances;
- h) all herbal/ayurvedic preparations;
- i) all homeopathic medicines.

(4) Any person who breaches this Rule is guilty of an offence and may be penalized.

Rule No. 20 of Medication Rules :-

All records required to be kept in accordance with this Rule must be retained by the Trainer for at least 2 years.

15. Although you have violated the BTC Rules of Racing and Medication Rules, you have not followed the Licensing condition as framed in the application for 'A' / 'B' Trainer's License as detailed below :

Licensing conditions as framed in the Application for 'A' / 'B' Trainer's License :-

Licensing condition 1 :-

I have read all the relevant Rules of Racing, Medication Rules, Racing Calendar, the Rules of Track and Notices, Notifications, etc., which have been duly published and/or Notified by the B.T.C.Ltd., in the Racing Calendar from time to time. I have understood all the implications of the said Rules and Notices and accept the legality.

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Licensing condition 3 :-

I undertake that the grant of such a Licence would be on an annual basis and I shall not claim or demand any right to renewal thereof. I further undertake that the issuance of this licence is liable to suspension and/or cancellation in the event of there being a breach on my part of the Rules and Notifications applicable to me.

Licensing condition 12 :-

I accept that as a licensee of the Club I have an obligation towards smooth conduct and administration of Racing and I shall not take any action or step which will have the effect of in any way disrupting or adversely affecting the activity of horse Racing at the BTC.

16. As a trainer you are wholly and solely responsible for the care and well being of the horse under your charge. Thus you have violated the same attracts the below mentioned rules of Medication Rules :

The trainer, whose charge is tested positive will be declared a disqualified person as under:

NOTE 1:

The above guidelines are for the liability of the Trainer, as he is wholly and solely responsible for the care, welfare and security of the horse/s under his charge, hence shall attract the punishment/penalties mentioned above for the detection of prohibited substances. If proof of actual involvement of Trainer in violation of any of these Rules is forthcoming to the satisfaction of the Stewards, then the Stewards shall be entitled to take further action and for such period of time as they deem fit, without in anyway being limited by the above guidelines.

Therefore, in the collected opinion of the Stipendiary Stewards you have breached the various Rules of Racing/Calendar Notification/BTC Medication Rules/under taken given by you while applying for the trainer's license.

Hence the said Charge Sheet is given to you. You are required to appear before the Stewards at the Board Room of Bangalore Turf Club Ltd. The exact time and date will be intimated to you.

**Sd/-
Senior Stipendiary Steward"**

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The Stewards examined Trainer Mr. S. Padmanabhan, wherein he clarified that the classification of the drug was done subsequent to the test report it was not binding on him. He also questioned the competency of Quanti Lab in certifying for detection of the drug which was noted by the Stewards.

With the above information, the Stewards proceeded with the enquiry and Trainer Mr.S. Padmanabhan was examined. He clarified that TILUDRONIC ACID had not been classified as on the date of result of the report and as such it was not binding on him and also the trainer submitted the detailed reply through his letter dated 6th April 2023. The Stewards took note of the above letter.

The Stewards noted the following:

- 1) The horse ADJUSTMENT was sampled on 14th November 2022 and returned positive for TILUDRONIC ACID (Bisphosphonates) in both Blood and Urine samples.
- 2) **The drug TILUDRONIC ACID was not classified as on that date.**
- 3) As directed by the Stewards, classification of drug TILUDRONIC ACID was sought from the Veterinary Commission, Turf Authorities of India and also ARCI.
- 4) ARCI did not reply to the E-mail of the club seeking clarification. However from their website the guidelines pertaining to classification of TILUDRONIC ACID was taken into consideration by the Veterinary Commission, TAI.
- 5) Dr.Kalamegam on the opinion of Dr.Hasneyn Mirza injected Tiludronic Acid to the Horse ADJUSTMENT on 7th and 9th November 2022 without reporting it to the Club authorities.
- 6) The Blood and Urine samples of the Horse were drawn 5 days later from the date of last administration of injection TILUDRONIC ACID.

As per the Chargesheet, the trainer is guilty of :-

- a) The submission of the Trainer vide his letter dated 10.04.2023 along with the Research papers states as follows:
"BP© effects may be more related to pain relief than disease modification [48,49,50]. These pain-relieving effects could be beneficial for some individuals, but in human or animal athletes, masking pain could also be dangerous and lead to further deterioration of joint conditions. "©BP-Bisphosphonate

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Thus proving that the pain masking effects of the said drug is also detrimental to the welfare of the horse when misused and made to perform under the influence of the Drug.

Running the horse b c ADJUSTMENT in the track work on 12th November 2022 and 19th November 2022 and in the Mock Race on 2nd December 2022 after which it pulled up lame, amounts to inflicting suffering to the horse. This is despite the advise of the treating Veterinarian Dr.Hasneyn Mirza to rest the horse for 2 weeks after treatment and not to race the horse for 5 weeks from the date of the last administration of the drug.

The trainer is also responsible for inflicting cruelty to the animal which is clear violation of THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960, CHAPTER I.

"Duties of persons having charge of animals.- It shall be the duty of every person having the care or charge of any animal to take all reasonable measures to ensure the well-being of such animal and to prevent the infliction upon such animal of unnecessary pain or suffering"

And Performing Animals (Registration) Rules, 2001, 8.General conditions for registration.

"V". the owner shall ensure that any animal is not inflicted unnecessary pain or suffering before or during or after its training or exhibition"

- b) Thus the trainer is responsible for negligence in discharging of his duties vide Rule no: 114 (b) (i) of the B.T.C Rules of Racing.
- c) The fact that the Trainer did not maintain the medication log book regularly in terms of the Rule no: 19 of the Medication Rules.
- d) The fact that the Trainer committed a breach of the licensing condition nos: 1, 3, and 12 of the "A"/"B" Trainers license.

The Stewards further discussed in detail the issues involved.

The Stewards noted that the positive finding of Tiludronic Acid in the Blood and Urine sample from the report of the QuantiLab is out of treatment given by Dr.Kalamegam on 7th and 9th November 2022 and they **DECIDED TO IGNORE THE POSITIVE FINDING** in the Blood and Urine samples pertaining to b c

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ADJUSTMENT under Medication Rule No.37 (e). However, they were of the opinion that the Trainer Mr. S. Padmanabhan was guilty of attracting Rule 114 (b) (i) of the BTC Rules of Racing and the relevant Medication Rules of BTC for the cruelty inflicted on the horse ADJUSTMENT by allowing it to run in the track work on 12th and 19th November 2022 and in a mock race on 02.12.2022 (within 22 days of last administration of the drug), after which it pulled up lame and was treated for the same. This amounts to cruelty to the horse under the provisions the Prevention of Cruelty to Animals Act, 1960.

In light of the above and after detailed deliberations, the Stewards decided as under:-

- a) To fine Trainer Mr. S. Padmanabhan a sum of Rs. 10,000/- for violating the Rule No. 114 (b) (i) of the BTC Rules of Racing and relevant Medication Rule.
- b) He was informed of his Right to Appeal before the Board of Appeal in terms of Rules of Racing.
- c) The Stewards further decided to deal with Dr. Kalamegam, Private Veterinary Practitioner separately with the issue of injection being administered by him and not reporting it to the club.

Sd/- T. Raman (Advisor Racing)
Sd/- G. Ravi Shankar
(Sr. Stipendiary Steward)

10-7-2023

PUBLISHED BY THE ORDER OF THE STEWARDS"

The Board of Appeal noted that against the Charge sheet No. 817 on the matter pertaining to inflicting cruelty to animal was taken cognizance of by the Stewards. The board could confine to that extent and the written grounds of appeal submitted by trainer could be taken into account in respect of decision of the Stewards pertaining to charge sheet No. 818.

The Board of Appeal carefully considered the following:-

- 1) The horse ADJUSTMENT was sampled on 14th November 2022 and returned positive for TILUDRONIC ACID (Bisphosphonates) in both Blood and Urine samples.

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- 2) **The drug TILUDRONIC ACID was not classified by BTC on that date.**
- 3) The Stewards authorised the C.V.O to seek classification of the drug TILUDRONIC ACID from the Veterinary Commission, Turf Authorities of India and also ARCI.
- 4) ARCI did not reply to the E-mail of the club seeking clarification. But from their website the guidelines pertaining to classification of TILUDRONIC ACID was taken.
- 5) Apparently, Dr. Kalamegam upon the opinion of Dr. Hasneyn Mirza injected TILUDRONIC ACID to the horse Adjustment on 7th and 9th November 2022 and did not report the same to the Club Authorities.
- 6) The Blood and Urine samples of the Horse were drawn 5 days later from the date of last administration.
- 7) The trainer is guilty of inflicting cruelty to his horse ADJUSTMENT vide his letter dated 10/4/2023, wherein, he has enclosed some research paper on the administration of BP.
- 8) The submission of the Trainer vide his letter dated: 10.04.2023 along with the Research papers states as follows:

"BP --- effects may be more related to pain relief than disease modification [48,49,50]. These pain-relieving effects could be beneficial for some individuals, but in human or animal athletes, masking pain could also be dangerous and lead to further deterioration of joint conditions." - BP-Bisphosphonate.

Thus providing that the pain masking effects of the said drug is also detrimental to the welfare of the horse when misused and made to perform under the influence of the Drug.

Running the horse b c ADJUSTMENT in the track work on 12th November 2022 and 19th November 2022 and in the Mock Race on 2nd December 2022 where after ADJUSTMENT pulled up lame which amounts to inflicting suffering to the horse. This is despite the advise of the treating Veterinarian Dr.Hasneyn Mirza to rest the horse for 2 weeks after

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treatment and not to race the horse for 5 weeks after treatment and not to race the horse for 5 weeks from the date of last administration of the drug.

The trainer would also be held responsible for inflicting cruelty to the animals as clear violation of the PREVENTION OF CRUELTY TO ANIMALS ACT, 1960, CHAPTER I.

"Duties of persons having charge of animals.-It shall be the duty of every person having the care of charge of any animal to take all reasonable measures to ensure the well-being of such animal and to prevent the infliction upon such animals of unnecessary pain or suffering".

And performing Animals (Registration) Rules, 2001, 8. General conditions for registration.

"V. the owner shall ensure that any animal is not inflicted unnecessary pain or suffering before or during or after its training or exhibition"

- 9) Thus the trainer is responsible for negligence in discharging of his duties vide Rule no: 114(b)(i).
- 10) The fact that the Trainer did not maintain the medication log book regularly in terms of the rule no: 19.
- 11) The fact that the Trainer committed a breach of the licensing condition nos: 1, 3, and 12 of the "A"/ "B" Trainers license.

The Board of Appeal noted that the positive finding of TILUDRONIC ACID in the Blood and Urine sample from the report of Quanti Lab is out of treatment given by Dr. Kalamegam on 7th and 9th November 2022 and they **DECIDED TO IGNORE THE POSITIVE FINDING** in the Blood and Urine samples pertaining to b c ADJUSTMENT under Medication Rule No. 37 (e). However, they were of the opinion that Trainer Mr. S. Padmanabhan was guilty of attracting Rule 114 (b)(i) of the BTC Rules of Racing and the relevant Medication Rules of BTC for the cruelty inflicted on the horse ADJUSTMENT by allowing it to run in the track work on 12th and 19th November 2022 and in a mock race on 02.12.2022 (within 22 days of last administration of the drug), where after ADJUSTMENT pulled up lame after the said mock race. This amounts to cruelty to the horse in terms of the Prevention of Cruelty to Animals Act 1960.

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In the light of the above, the Board of Appeal decided as follows:

- a) To reject the appeal filed by Trainer Mr. S. Padmanabhan;
- b) To sustain the fine of Rs.10,000/- for collectively violating Rule No. 114 (b) (i) and relevant medication rules;
- c) To forfeit Rs.11,800/- (Inclusive GST) paid by Trainer Mr. S. Padmanabhan towards the Appeal fee.

BY ORDER OF THE BOARD OF APPEAL



**Kiran M.K.
SECRETARY**

Date: 26th August, 2023

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ORDER OF THE BOARD OF APPEAL

Positive finding of ILLICIT substance (TILUDRONIC ACID) in b c 4 yr old ADJUSTMENT trained by Mr. S. Padmanabhan after its run in Race No: 87 of the Bangalore Winter Meeting 2022-23 run on 25th January 2023, wherein it finished 2nd.

The Board of Appeal of Bangalore Turf Club Ltd., at its meetings held on 25th July, 2023 and 7th August, 2023 considered the appeal dated 12th July, 2023, Charge sheet No.818 addressed by Trainer Mr. S. Padmanabhan against the decisions of the Stewards at their meetings held on 28th April, 2023 & 11th May, 2023.

1. In this connection, the Board considered the following:

- a) The Minutes of meeting of the Stewards dated 24/5/2023 together with all enclosures;
- b) Appeal email dated 12/7/2023 by Trainer Mr. S. Padmanabhan;
- c) Written Grounds of Appeal dated 21/7/2023 filed by Trainer Mr. S. Padmanabhan;
- d) The oral submissions made by Trainer Mr. S. Padmanabhan before the Board of Appeal;
- e) Rules of Racing of Bangalore Turf Club Limited;
- f) Racing Calendar and Medication Rules of Bangalore Turf Club Limited.
- g) Records of Trainer Mr. S. Padmanabhan;
- h) Order of the Stewards reading as under:

Handwritten signature

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"ORDER OF THE STEWARDS

Positive finding of illicit substance (TILUDRONIC ACID) in horse 4 yr old b c ADJUSTMENT trained by Mr. S. Padmanabhan after its run in Race No: 87 of the Bangalore Winter Meeting 2022-23 run on 25th January 2023, wherein it finished 2nd.

The Stewards at their meetings held on 28.04.2023, 11.05.2023 and 24.05.2023 considered the following:

- 1) The Charge Sheet No.818 dated 14.03.2023 issued to Trainer Mr. S. Padmanabhan by the Senior Stipendiary Steward pertaining to the positive finding of his 4 yr old b c ADJUSTMENT which had returned positive for TILUDRONIC ACID, an illicit substance in Race No: 87 of the Bangalore Winter Meeting 2022-23. The relevant rules of BTC the Rules of Racing and BTC Medication Rules and Charge Sheet is produced below:

"BTC CHARGE SHEET No: 818 Allegation of breach of the BTC Rules of Racing

Venue : Bangalore Race No. 87 Date: 25-01-2023

Defendant : Mr. S. Padmanabhan

Designation : Trainer

The BTC Stipendiary Steward alleged that the above named Defendant committed a breach of:

BTC Rule/s: as detailed below:

For contravention of B.T.C. Rules of Racing and Racing Calendar (Medication Rules) as the trainer of "b c ADJUSTMENT".

Date: 14-03-2023

**Sd/
Sr. Stipendiary Steward"**

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Annexure to and forming part of the Charge Sheet No. 818 dated 14/3/2023.

1. As directed by the Stewards, random sample of blood and urine was taken for analysis from your charge b c (4 year old) ADJUSTMENT on 25/01/2023 when ran on that day in Race No.87 i.e. the Gateway of India Plate Div-I (about) 1400 meters.
2. The samples were drawn and sent for analysis to M/s.QuantiLab, Mauritius procedurally.
3. The said lab vide its report dt.11/02/2023 has informed the club that, urine sample taken from the horse ADJUSTMENT have tested positive for TILUDRONIC ACID.
4. As you are aware the drug TILUDRONIC ACID subject to non compliance of certain terms as per the notification is classified as Bisphosphonate.
5. Although you claimed that the detection of the drug was purely based on previous administration your act of causing the illicit substances to be administered to your charge constitute an improper practice as per the following Rules of Bangalore Turf Club Ltd. Further your above said act also attracts the provision of Rule No. 202 (x)(a) (i) & (ii) reading as follows :

Rule No. 202 – Improper practice :-

The Stewards and/or the Stewards of the Club shall fine and/or punish and/or warn off and/or exclude and/or eject and/or disqualify and/or suspend or withdraw Licences, for any reason or reasons, from any race course or place where these Rules are in force, any of the following persons viz.:

(i) *Any person who in their opinion has been guilty of any*

- (a) dishonest, corrupt,*
- (b) fraudulent, or*
- (c) improper practice or**
- (d) dishonourable action*

in connection with racing anywhere.

(x) (a) *any person who at any time administers or attempts to administer or allows or causes to be administered or connives at the administration to a horse of any quantity of any substance, which is a*

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prohibited substance for any purposes including any of the following purposes :

(i) for the purpose of affecting the performance or behaviour of a horse in a race or of preventing its starting in a race; and/or

(ii) which is detected in any pre-race or post-race sample taken on the day of any race;

6. It has been well established by the Veterinary Commission, TAI and the ARCI guidelines that certain regulations were not followed. The administration of TILUDRONIC ACID will turn out to be the administration of Bisphosphonate, an Illicit Substance. Categorically you claimed that, the injection caused to be given to ADJUSTMENT by you is from the old stock got from BTC Veterinary Hospital which is totally false statement. Your charge ART POWER was given TILUDRONIC ACID for 10 days – 10 vials from 30/01/2022 to 08/02/2022 and your charge I AM THE SPOTLIGHT was given for 10 days TILUDRONIC ACID from 17/12/2021 to 26/12/2021. However the question of you possessing left over stock from the BTC Veterinary Hospital is a false statement. Furthermore your assistant Mr. Rishi stated during the enquiry that you had kept a sealed box of 10 vials of TILUDRONIC ACID out of which 2 vials was said to be administered to ADJUSTMENT. Then your statement is totally lie, thereby warranting action against you in terms of Rule No.202 (vi) & (vii) of BTC Rules of Racing reproduced below:

Rule No. 202. *The Stewards and/or the Stewards of the Club shall fine and/or punish and/or warn off and/or exclude and/or eject and/or disqualify and/or suspend or withdraw Licences, for any reason or reasons, from any race course or place where these Rules are in force, any of the following persons viz.:*

(vi) Any owner, nominator, trainer, jockey, lessee, apprentice, stable hand, bookmaker or bookmakers assistant or any person who either wilfully refuses to attend and give evidence at an enquiry when requested by the Stewards/Stewards of the Club/Stipendiary Stewards to do so, or knowingly gives evidence which is false or misleading in any particular.

(vii) any person who gives at any enquiry or appeal any evidence which in their opinion is false or misleading in any manner.

7. This substance detected has been an illicit substance. Illicit substances meaning any substances which are prohibited and which have no legitimate use on horse

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and have high potential for abuse. You have not followed the Calendar notification as mentioned below :

1. As an **ILLICIT SUBSTANCE** if it is detected in and out of competition or post race test sample in any of the following events :
 - b) When such administration is without prior approval from the Regulatory Authority.
 - c) When the Regulatory Authority has not received timely notification of its administration within 24 hours.
 - f) When it is not administered in accordance with the product label instructions.

PENALTIES FOR OFFENCE - ILLICIT SUBSTANCES

Any horse that tests positive for an ILLICIT SUBSTANCE including ANABOLIC STEROIDS AND SEX HORMONES, the Trainer and/or any other person so charged by the Stewards will be declared a Disqualified Person and suffer the following penalties;

- 1st infringement – Disqualification for a period of 2 years*
- 2nd infringement – Disqualification for a period of 3 years;*
- 3rd infringement – Warn-Off.*

The horse found positive for Anabolic Steroid(s)/Sex Hormone(s) shall not be permitted to race for a period of 180 days and such horse/s shall be subjected to testing for Anabolic Steroid(s) / Sex Hormone(s) before entering in a race and such entry shall not be accepted till such time the sample comes negative for anabolic Steroid(s) / Sex Hormone(s).

Any horse that tests positive for Illicit Substances which are covered under the separate list of drugs termed as "ILLICIT SUBSTANCES", the concerned Trainer shall be declared a disqualified person and the commencement of the punishment shall be with effect from the date of receipt of the respective report (Primary Analysis Report or confirmatory Analysis Report whichever is later).

You are attracted by the above rules.

8. During the enquiry Dr.Kalamegam was asked to produce the x-ray findings as stated by him that the horse was suffering from navicular syndrome and resorption of bone in cannon. When Dr.Kalamegam presented the x-ray with lesion, CVO confronted that has no lesion appreciable in the x-ray as stated by Dr.Kalamegam.

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Further navicular syndrome was diagnosed by Dr.Kalamegam and Dr.Hasneyn Mirza from the x-ray. But Dr.Kalamegam could

not produce any x-ray of the hoof of the said horse to prove that the horse was diagnosed with navicular syndrome.

9. Subsequently Dr.Syed Naveed Ahmed was asked to examine the said x-rays and give his opinion regarding bone resorption in cannon and navicular syndrome in hoof, for which he clearly opined that there was no lesion in the said x-rays as mentioned by Dr.Kalamegam.

10. As per the statement made by you and your assistant Mr.Rishi the horse ADJUSTMENT was given 2 dose of TILUDRONIC ACID on 7th and 9th of November, 2022 although opinions among the doctors vary as to the fitness of the horse to run in a race between 35 days to 90 days. You were advised to rest the horse for two weeks by Dr.Hasneyn Mirza. But you have worked the said horse and run the horse in the Mock Race on 02/12/2022. You have also run the horse in race on 25/01/2023. Why you did so is a question mark.

11. This horse is said to be given the drug Bisphosphonates (TILUDRONIC ACID) on 7th& 9th of November, 2022 by Dr.Kalamegam by injection,Dr.Kalamegam said that at the instructions of Dr.Hasneyn Mirza he administered the drug to the horse. This horse had to be given rest but whereas you had worked this horse and raced on 25/01/2023.

12. As a trainer you have not followed the procedures and principles for administration of substance in terms of the BTC Medication Rules. Thus your act and the veterinarian directly administering a drug TILUDRONIC ACID is attracted by Rule No.16 (a) & (b) of BTC Medication Rules reading as follows :

Rule No.16 :*When a sample taken at any time from a horse trained by a Licensed Trainer has detected in it any Illicit Substance specified in Rule 14:*

- (a) *The trainer and/or any other person who was in-charge of such horse at the relevant time is guilty of an offence and a disqualification of not less than 2 years must be imposed unless there is a finding that a special circumstances backed with evidence exists, in which case the penalty may be reduced;*
- (b) *The horse may be disqualified from any race in which it has competed subsequent to the taking of such a sample found to contain an Illicit Substance.*

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13. You have not maintained the Medication Log Book regularly and the relevant Medication Rules are given below :

Rule No. 19 of Medication Rules :-

A trainer must record in his log book (hand written) any medication or treatment administered to any horse in the Trainer's care by midnight on the day on which the administration was given.

(1) *For the purpose of this Rule, each record of administration must include the following information :-*

- (a) the name of the horse ;*
- (b) the date and time of administration of the treatment or medication;*
- (c) the name of the treatment or medication administered (brand name or active constituent);*
- (d) the route of administration including by injection, stomach tube, paste, topical application or inhalation;*
- (e) the amount of medication given (if applicable);*
- (f) the duration of treatment (if applicable);*
- (g) the name and signature of the person/s administering and/or authorizing the administration of the treatment or medication.*

(3) *For the purposes of this Rule "medication" includes :-*

- a) all Controlled Drugs administered by an Approved Veterinarian ;*
- b) all Prescription Animal Remedies;*
- c) all Prescription Only Medicines, prescribed and/or dispensed by an Approved Veterinarian for off-label use;*
- d) all injectable medicines (intravenous, intramuscular, subcutaneous, intra-articular) not already referred to above;*
- e) all Pharmacist Only medicines;*
- f) all veterinary and other medicines containing other scheduled and unscheduled prohibited substances;*
- h) all herbal/ayurvedic preparations;*
- (i) all homeopathic medicines.*

(4) *Any person who breaches this Rule is guilty of an offence and may be penalized.*

Rule No. 20 of Medication Rules :-

All records required to be kept in accordance with this Rule must be retained by the Trainer for at least 2 years.

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14. You have violated the BTC Rules of Racing and Medication Rules apart from not following the Licensing condition as framed in application for 'A' / 'B' Trainer's Licence detailed below :

Licensing conditions as framed in the Application for 'A' / 'B' Trainer's Licence :-

Licensing condition 1 :-

I have read all the relevant Rules of Racing, Medication Rules, Racing Calendar, the Rules of Track and Notices, Notifications, etc., which have been duly published and/or Notified by the B.T.C.Ltd., in the Racing Calendar from time to time. I have understood all the implications of the said Rules and Notices and accept the legality.

Licensing condition 3 :-

I undertake that the grant of such a Licence would be on an annual basis and I shall not claim or demand any right to renewal thereof. I further undertake that the issuance of this licence is liable to suspension and/or cancellation in the event of there being a breach on my part of the Rules and Notifications applicable to me.

Licensing condition 12 :-

I accept that as a licensee of the Club I have an obligation towards smooth conduct and administration of Racing and I shall not take any action or step which will have the effect of in any way disrupting or adversely affecting the activity of horse Racing at the BTC.

15. As a trainer you are wholly and solely responsible for the care and well being of the horse under your charge. Thus you have violated the same attracts the below mentioned rules of Medication Rules :

The trainer, whose charge is tested positive will be declared a disqualified person as under:

NOTE 1:

The above guidelines are for the liability of the Trainer, as he is wholly and solely responsible for the care, welfare and security of the horse/s under his charge, hence shall attract the punishment/penalties mentioned above for the detection of prohibited substances. If proof of actual involvement of Trainer in violation of any of these Rules is forthcoming to the satisfaction of the Stewards, then the Stewards

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shall be entitled to take further action and for such period of time as they deem fit, without in anyway being limited by the above guidelines.

Therefore, in the collected opinion of the Stipendiary Stewards you have breached the various Rules of Racing/Calendar Notification/BTC Medication Rules/under taken given by you while applying for the trainer's license.

**Sd/-
Senior Stipendiary Steward"**

- 2) The Written submission made by Trainer Mr. S. Padmanabhan dated 06-04-2023.
- 3) The Oral submissions made by Trainer Mr. S. Padmanabhan during the course of the Stewards Enquiry.
- 4) They examined Trainer Mr.S. Padmanabhan.

The Stewards noted the following:

1. The horse was sampled on 14/11/2022 and returned positive for Bisphosphonate (TILUDRONIC ACID) in out of competition testing.
2. TILUDRONIC ACID was not initially classified in the list of illicit/prohibited substance.
3. As directed by the Stewards at their meeting held on 09/12/2022, classification was sought from the Veterinary Commission, TAI as also ARCI.
4. The ARCI did not reply to the e-mail from the club, however through their website the guidelines were taken.
5. The Veterinary Commission (TAI) had classified the drug tiludronic acid as the Drug Bisphosphonate. Based on the recommendation it was classified by the Stewards at their meeting held on 18/12/2022 and came into effect. This was also notified to all the trainers .
6. The horse was accepted to run on 25/01/2023 i.e., Race No.87, the Gateway of India Plate Div-I (about) 1400 meters.
7. At the meeting of Stewards held on 23/01/2023 the Stewards have decided to permit the horse 4 yr old b c ADJUSTMENT to run on 25/01/2023 on the condition that,

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"this was done as a special case and without prejudice to the ongoing enquiry by the Stipendiary Stewards and further that the samples will be collected from the said horse after the race irrespective of its placing."

8. The horse ADJUSTMENT ran in Race No.87, The Gateway of India Plate Div-I (about) 1400 meters on 25/01/2023 and finished Second.

9. It was sampled and urine sample returned positive for illicit substance i.e. (Illicit Substance) TILUDRONIC ACID and blood sample returned negative.

10. As directed by the Stewards, trainer Mr.S.Padmanabhan was summoned by the Advisor Racing to appear before the enquiry officers at 11:00 a.m. on 1st March, 2023 along with his Assistant to trainer Mr.Rishi.

11. As Stewards took note of the fact that any person who takes part in any race coming within the rules agree to be bound by and Medication Rules of BTC and the Rules of Racing of BTC.

12.The trainer said that the letter dt.06.04.2023 is quite exhaustive and he did not like to add much.

The evidence given by the Trainer, his Assistant and others connected with the enquiry has to be necessarily taken into account in the case too, as they are circumstantiated in nature.

13.The horse ADJUSTMENT returned positive for illicit substance (TILUDRONIC ACID) and the horse was disqualified for the race.

14. The same was communicated to the trainer vide Order dated: 19/03/2023.

15. Further during the enquiry, the trainer stated that, he did not wish to elaborate other than his written submissions dt.06/04/2023. Even his assistant categorically stated that, the horse returned positive for the second time because of the treatment given to it in November 2022. Here again the statement given by his private veterinarian viz. Dr.Hasneyn Mirza goes against this. In this connection the following points were taken into account by the Stewards.

16. The trainer through the private veterinarian has caused to be administered the drug (Bisphosphonates) TILUDRONIC ACID is attracted by Rule No.16 (a) & (b) of the BTC Medication Rules which states as follows :

16.*When a sample taken at any time from a horse trained by a Licensed Trainer has detected in it any Illicit Substance specified in Rule 14:*

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- (a) *The trainer and/or any other person who was in-charge of such horse at the relevant time is guilty of an offence and a disqualification of not less than 2 years must be imposed unless there is a finding that a special circumstances backed with evidence exists, in which case the penalty may be reduced;*
- (b) *The horse may be disqualified from any race in which it has competed subsequent to the taking of such a sample found to contain an Illicit Substance.*

17. The Stewards noted that the administration of Bisphosphonates to Trainer Mr. S. Padmanabhan's charge 4 yr old b c ADJUSTMENT is tantamount to violation of Rule No.202 (i) (c) of the BTC Rules of Racing produced hereunder :

202 – Improper practice :-

The Stewards and/or the Stewards of the Club shall fine and/or punish and/or warn off and/or exclude and/or eject and/or disqualify and/or suspend or withdraw Licences, for any reason or reasons, from any race course or place where these Rules are in force, any of the following persons viz.:

- (i) *Any person who in their opinion has been guilty of any*
- (a) *dishonest, corrupt,*
- (b) *fraudulent, or*
- (c) **improper practice or**
- (d) *dishonourable action*

in connection with racing anywhere.

18. The drug came under the category of Bisphosphonates and the trainer was asked whether he would opt for the 'B' sample to be sent for confirmatory analysis from any one of the three reference laboratory as found in the BTC Racing Calendar but the trainer did not exercise the option to do so.

19. Since the trainer had asked for quantitative and qualitative analysis conducted by the concerned lab, the trainer was informed that as per the reply from M/s.QuantiLab, Mauritius, Bisphosphonates are not substances with threshold or screening limit and as such quantitative analysis is not required.

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20. However, the lab added the detailed qualitative analysis report would follow when available. Subsequently, the qualitative analysis together of the graphs was sent by the said lab and the same was forwarded to trainer Mr.S.Padmanabhan vide club's e-mail dt.10/02/2023.

21. During the enquiry, the trainer's assistant Mr. Rishi confessed that he approached the Chief Veterinary Officer requesting for the administration of the said drug as directed by his trainer on 01/11/2022. However, he confirmed that the CVO refused the administration. Thereafter, he approached Dr.Syed Naveed Ahmed, who also refused stating that there was no confirmed diagnosis of the horse requiring administration of Tiludronic Acid. Then they approached Dr.Hasneyn Mirza for the same.

22. It is pertinent to note that, the services of the club's veterinary officers were not utilised. When questioned, Dr.Kalamegam said that, the two vials of 10ml each of TILUDRONIC ACID was administered by him and the said vials were given by Assistant to Trainer Mr.Rishi.

23. Mr.Rishi, Assistant to Trainer stated during the enquiry that, the trainer had given him a sealed fresh box of vials containing 10 vials out of which 2 vials were administered to ADJUSTMENT and the balance vials were taken away by the trainer.

24. Mr.Rishi confessed that the trainer initially planned to give 6 vials for the said horse. However, it was stopped after the horse was sampled.

25. Whereas as per trainer's Log Book the horse was on rest on 12th November, 2022 and further, no work Log Book was maintained for any of his horses from 14/11/2022 to 28/11/2022. Therefore, how the horse was worked by the trainer on the said dates has no answer. The horse participated in Mock Race on 02/12/2022 **(22 days post last injection) and subsequently the horse pulled up lame following the race and was treated for the same. Thus, the act of trainer in exhibiting the horse to perform without following the advice of treating Veterinarian Dr.Hasneyn Mirza not to race for 5 weeks (35 days) is clear violation of the THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960, CHAPTER (I) as it has compromised on the welfare and well-being of the horse.**

"3. Duties of persons having charge of animals.—It shall be the duty of every person having the care or charge of any animal to take all reasonable measures to ensure the well-being of such animal and to prevent the infliction upon such animal of unnecessary pain or suffering."

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And Performing Animals (Registration) Rules, 2001,8. General conditions for registration

"v. the owner shall ensure that any animal is not inflicted unnecessary pain or suffering before or during or after its training or exhibition"

Subsequently, the horse ran on 25/01/2023 under the influence of Bisphosphonates (TILUDRONIC ACID). Therefore, the trainer is responsible for gross negligence in the discharge of his duties vide Rule No.114 (b) (i) of the Bangalore Turf Club Ltd., Rules of Racing are produced below:-

114 (b) *In addition to or in lieu of any other penalties or punishments as may be laid down under these Rules of Racing, a Trainer may be fine, suspended or disqualified by the Stewards:-*

(i) *If his conduct or negligence or neglect in the performance of his duties as a licenced professional has led or could have led to a breach of the Rules of Racing;*

26. This substance has been termed as an illicit substance. "Illicit substance" shall mean any substance which is prohibited and which are have legitimate use on horse and have high potential for abuse.

27. The trainer has not followed the procedures and principles for administration of substance in terms of the BTC Medication Rules.

28. The trainer has not maintained the Medication Log Book regularly, the relevant part of Rule No.19 is reproduced below :

Rule 19 of Medication Rules :-

A trainer must record in his log book (hand written) any medication or treatment administered to any horse in the Trainer's care by midnight on the day on which the administration was given.

(1) *For the purpose of this Rule, each record of administration must include the following information :-*

- (a) the name of the horse ;*
- (b) the date and time of administration of the treatment or medication;*
- (c) the name of the treatment or medication administered (brand name or active constituent);*
- (d) the route of administration including by injection, stomach tube, paste, topical application or inhalation;*
- (e) the amount of medication given (if applicable);*
- (f) the duration of treatment (if applicable);*

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(g) the name and signature of the person/s administering and/or authorizing the administration of the treatment or medication.

(4) Any person who breaches this Rule is guilty of an offence and may be penalized.

29. The trainer is responsible in terms of Rule No.20 for at least two years which he has not done, the same as stated below :

Rule 20 of Medication Rules :-

All records required to be kept in accordance with this Rule must be retained by the Trainer for at least 2 years.

30. According to the above Rule the Calendar Notification dt.18/12/2022 clearly states that the classification of Bisphosphonates which are given below :

1. As an **ILLICIT SUBSTANCE** if it is detected in and out of competition or post race test sample in any of the following events :

b) When such administration is without prior approval from the Regulatory Authority.

c) When the Regulatory Authority has not received timely notification of its administration within 24 hours.

e) When there is no official diagnosis determined by a Veterinary surgeon that supports the use of a Bisphosphonates as an appropriate treatment.

PENALTIES FOR OFFENCE - ILLICIT SUBSTANCES

Any horse that tests positive for an ILLICIT SUBSTANCE including ANABOLIC STEROIDS AND SEX HORMONES, the Trainer and/or any other person so charged by the Stewards will be declared as a "Disqualified Person" and suffer the following penalties;

1st infringement – Disqualification for a period of 2 years

2nd infringement – Disqualification for a period of 3 years;

3rd infringement – Warn-Off.

The horse found positive for Anabolic Steroid(s)/Sex Hormone(s) shall not be permitted to race for a period of 180 days and such horse/s shall be subjected to testing for Anabolic Steroid(s) / Sex Hormone(s) before entering in a race and

such entry shall not be accepted till such time the sample comes negative for anabolic Steroid(s) / Sex Hormone(s).

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Any horse that tests positive for Illicit Substances which are covered under the separate list of drugs termed as "ILLICIT SUBSTANCES", the concerned Trainer shall be declared a disqualified person and the commencement of the punishment shall be with effect from the date of receipt of the respective report (Primary Analysis Report or confirmatory Analysis Report whichever is later).

31. The trainer's statements and also Assistant to Trainer Mr.Rishi's statements are contradictory in nature as regards the administration of 2 vials that was supposed to have been administered to the horse ADJUSTMENT. In that where the Assistant to Trainer Mr.Rishi says the trainer bought a new pack of 10 vials of which 2 vials were used on this horse on 7th and 9th of November 2022. The trainer's statement that he brought it out of the old stock which was supplied by BTC in the year 2021 for use on two horses namely ART POWER and I AM THE SPOTLIGHT. The said two horses were given all 20 vials by Trainer as per BTC rules. This amounts to tendering false and misleading evidence Rule No.202 (vi) & (vii) of BTC Rules of Racing reading as follows:

202 (vi) *Any owner, nominator, trainer, jockey, lessee, apprentice, stable hand, bookmaker or bookmakers assistant or any person who either wilfully refuses to attend and give evidence at an enquiry when requested by the Stewards/Stewards of the Club/Stipendiary Stewards to do so, or knowingly gives evidence which is false or misleading in any particular.*

(vii) *any person who gives at any enquiry or appeal any evidence which in their opinion is false or misleading in any manner.*

32. The trainer is bound by the Licensing condition as detailed below :

Licensing conditions as framed in the Application for "A" / "B" Trainer's Licence :-

Licensing condition 1 :-

I have read all the relevant Rules of Racing, Medication Rules, Racing Calendar, the Rules of Track and Notices, Notifications, etc., which have been duly published and/or Notified by the B.T.C.Ltd., in the Racing Calendar from time to time. I have understood all the implications of the said Rules and Notices and accept the legality.

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Licensing condition 3 :-

I undertake that the grant of such a Licence would be on an annual basis and I shall not claim or demand any right to renewal thereof. I further undertake that the issuance of this licence is liable to suspension and/or cancellation in the event of there being a breach on my part of the Rules and Notifications applicable to me.

Licensing condition 12 :-

I accept that as a licensee of the Club I have an obligation towards smooth conduct and administration of Racing and I shall not take any action or step which will have the effect of in any way disrupting or adversely affecting the activity of horse Racing at the BTC.

- 33) The horse ADJUSTMENT after his run in Race No: 87 of the Bangalore Winter Meeting 2022-23 on 25-01-2023 had returned positive for illicit substance i.e. urine sample.
- 34) The fact that illicit substance has been found from the urine sample of the horse ADJUSTMENT is a gross violation of the Calendar Notification dated: 18-12-2022 issued by the Club.
- 35) The effect / efficacy of the prohibited substance on the horse is irrelevant to the implementation of the Rules i.e. Rules within the meaning of the BTC Medication Rules. Therefore, it is very clear that the horse ADJUSTMENT has tested positive after it ran second in Race No:87 of the Bangalore Winter Meeting 2022-23 held on 25-01-2023.
- 36) The Trainer is wrong to claim that Quanti Lab Mauritius is not qualified to conduct the test that claim of the trainer is totally repudiated by E-mails dated: 21.12.2022, 27.01.2023 and 09.02.2023 received from Quanti Lab Mauritius reading as follows:-

"Email dated: 21.12.2023

Dear Dr Kumar,

Please find below answers in RED to your queries:

1. Chain of custody of the sample from the time of collection till the completion of the analysis at the Quanti Lab, Mauritius.
 - i. Test Request form the Chief Veterinary Officer (CVO) of Bangalore Turf Club (BTC) was received on 14/11/2022.

Core

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- ii. Acknowledgement receipt following examination of samples to ensure all seals intact upon arrival at Quanti Lab was sent to CVO of BTC on 24/11/2022.
- iii. Report following analysis of sample was sent to CVO of BTC on 02/12/2022.

"Email dated: 27.01.2023

Dear Sir,

Further to our earlier request, I write to remind you of the **Complete Qualitative Analysis report.**

Also in the foot note of Certificate of Analysis report Nos. P221124_88 and P221124_89 it is stated that **"Tests marked 'Not MAURITAS' accredited or (*) in this report are not included in the MAURITAS Accreditation Schedule for our laboratory"**

The Trainer sought clarification as to whether the lab is accredited to test Bisphosphonate as per this footnote.

Hence kindly clarify the same and also about the legal validity of the Certificate of Analysis for our reference at the earliest possible.

Thanking you,

Yours faithfully,

Email dated: 09.02.2023

Dear Dr Senthil,

Trust you are well.

Please find attached the two analysis reports as well as below reply to your query:

Quanti Lab is an internationally accredited laboratory according to ISO 17025:2017 (Full ILAC:G7 for horse racing laboratories).

Analysis of Bisphosphonates in equine urine and plasma is not done routinely in equine doping control laboratories, requests for screening and confirmation of bisphosphonates is done on adhoc basis by a few racing jurisdictions only and it is a novel analysis which has been recently developed and validated at QuantiLab. This method doesn't fall under our scope yet.

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This year QuantiLab will apply for the extension of its scope of accreditation to include bisphosphonates analysis and meanwhile testing of bisphosphonates is carried here using all quality controls to ensure reliability of results according to ILAC:G7 and AORC guidelines for the minimum criteria for identification by chromatography and mass spectrometry.

Note: MAURITAS is the official accreditation body of Republic of Mauritius which is fully recognised by ILAC.

"In our opinion, our reports are defensible in court."

Hope the above clarifies your concern with regard to mail below.

Best regards

REKHA LOFUR

LIMS MANAGER

QUANTILAB"

- 37) The action of the trainer by not applying for challenging the disqualification of the horse for the said race does go to prove that the trainer is in agreement with the finding of the labs report declaring the horse has having been subjected to administration of an illicit substance.
- 38) The other claims made by the Trainer vide letter dated: 06-04-2023 been dealt with by the Stewards.
- 39) The Trainer totally committed a blunder by running his horse on 25th January 2023 without having the blood and urine sample of the horse ADJUSTMENT tested in his own interest. The Trainer Mr. S. Padmanabhan accepted the result of the disqualification of ADJUSTMENT from Race No: 87 on 25th January 2023 after the urine sample came positive for the presence of Illicit substance.

Therefore, it is crystal clear that Trainer Mr.S. Padmanabhan is guilty of violation of BTC Medication Rules in either administering or causing to be administer the Illicit substance to his charge ADJUSTMENT is proved beyond doubt. This apart, the trainer Mr. S. Padmanabhan is liable for suitable action in terms of BTC Medication Rules which reads as follows:

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- 1st infringement - Disqualification for a period of 2 years*
- 2nd infringement - Disqualification for a period of 3 years*
- 3rd infringement - Warn - Off.*

The horse found positive for Anabolic Steroid(s) / Sex Hormone (s) shall not be permitted to race for a period of 180 days and such horse/s shall be subjected to testing for Anabolic Steroid (s) / Sex Hormone(s) before entering in a race and such entry shall not be accepted till such time the sample comes negative for Anabolic Steroid (s) / Sex Hormone (s).

Any horse that tests positive for Illicit substance which are covered under the separate list of drugs termed as "ILLICIT SUBSTANCES" that concerned Trainer shall be declared a disqualified person and the commencement of the punishment shall be with effect from the date of receipt of the respective report (Primary Analysis Report or confirmatory Analysis Report whichever is later). "

40)The Stewards considered the letter dated: 6th April 2023 received from Trainer Mr. S. Padmanabhan:

"The extract of the letter is reproduced below:

STATEMENT OF DEFENCE AGAINST THE CHARGES LEVELLED FOR EACH OF THE MATTERS AS HIGHLIGHTED:

MATTER I: For alleged contravention of Bangalore Turf Club rules of Racing and Racing Calendar (Medication rules) as the trainer of the horse b c ADJUSTMENT.

In relation to the first matter, I wish to submit the following in my defence:

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(e) **The Notification issued by Bangalore Turf Club Ltd. on the classification of Bisphosphonates as an Illicit Substance cannot operate retrospectively. (Annexure A-3)**

a. It may be noted that the Bangalore Turf Club Ltd., issued a notification on 18.12.2022 regarding the classification of Bisphosphonates as an illicit substance. The sample was taken on 14.11.2022 (**Annexure A-4**), and the testing of the horse b c (4 year old) ADJUSTMENT to check for the presence of prohibited substances was performed on 28.11.2022 to 02.12.2022 (**Annexure A-5**), which is evidently well before the issuing of the notification. The testing, conducted in / by QuantiLab in Mauritius, apparently revealed the presence of Tiludronic acid, a type of Bisphosphonate, in the 28th February 2023 sample. However, since the notification was issued after the tests were conducted, the notification cannot have a retrospective effect with respect to the test.

(ii) **Quanti Lab does not have accreditation for the process employed to test for the presence of Bisphosphonates in Equine Urine and Plasma and therefore is not competent to conduct the test (Annexure A-5); and the unethical practice on part of QuantiLab.**

a. It may be further noted that the tests were conducted in QuantiLab, a testing laboratory based in Mauritius. QuantiLab employed the method of analysis "LTP_O_35: Analysis of bisphosphonates in equine urine and plasma by LCMS' to check for the presence of Bisphosphonates in the sample. Quanti Lab has an accreditation schedule which includes the laboratory tests and procedures accredited by MAURITAS, the sole accreditation body in Mauritius. However, the procedure to test for the presence of Bisphosphonates in equine urine and plasma is not included in the accreditation schedule. This is evident from the "Certificate of Analysis" issued by QuantiLab having report number P221124_89. The same has also been admitted by QuantiLab in their email to the BTC authorities (**See Annexure A-5.1**), wherein the following was put forth by you-

"Analysis of Bisphosphonates in equine urine and plasma is not done routinely in equine doping control laboratories, requests for screening and confirmation of bisphosphonates is done on adhoc basis by a few racing

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jurisdictions only and it is a novel analysis which has been recently developed and validated at QuantiLab. ***This method doesn't fall under our scope yet.***

- b. This year QuantiLab will apply for the extensions of its scope of accreditation to include bisphosphonates analysis and meanwhile testing of bisphosphonates is carried here using all quality controls to ensure reliability of results according to ILAS:G7 and AORC guidelines for the minimum criteria for identification by chromatography and mass spectrometry..."
- c. MAURITAS accreditation is a formal recognition that an organization is technically competent to perform specific tasks. With the absence of an accreditation certificate, the procedure employed by QuantiLab to test for the presence of Bisphosphonates loses credibility.
- d. It is further submitted that despite the above mentioned position of not being accredited, QuantiLab have proceeded with the testing for the presence of bisphosphonates Upon specific request made to that effect by the BTC authorities, as evident from 'Appendix-I' to all the Analysis Reports **(See Annexures A-5.2, A-5.3, A-5.4)**. It is submitted that the lab's failure and neglect to deny the request of BTC authorities for testing of the said samples is wholly unethical. Given the inherent bias on part of the BTC authorities, I also have reasonable doubt to believe that this act of QuantiLab is deliberate and is coloured with malice and wilful negligence on their part, and apprehends collusion and bias against me. Additionally, Samples 1 and 2 were delivered to QuantiLab by BTC on 24.11.2022. However, Bisphosphonates were only classified as a 'Prohibited/Illicit' substance in December 2022 vide a Notification dated 18.12.2022. QuantiLab, as BTC's primary laboratory, is well-versed with BTC's medication rules and as to the classification of substances.

As per 'Appendix 1' of QuantiLab's Analysis Report for Samples 1 and 2, BTC had dispatched the Samples for testing for "Prohibited' substances, however, the following also stated- "The samples bearing codes 10611075, 10611065, 10611079, 10611074 may be tested for the presence of Bisphosphonates". Therefore, without prejudice to anything stated herein, it is only reasonable and equitable that QuantiLab ought not to have proceeded with the testing for the presence of Bisphosphonates notwithstanding QuantiLab's accreditation concerns, given QuantiLab's knowledge of BTC's rules.

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(III) The administering of Tiludronic Acid is in compliance with the Bangalore Turf Club Ltd. Rules as b c (4-year-old) ADJUSTMENT is older than 3.6 years and the withdrawal period has been duly complied with, and the BTC authorities misrepresented, selectively, the age of the horse in several communications as 3-year old. (See Annexure A-4)

- a. The Bangalore Turf Club Ltd. notification dated 18.12.2022 classifying Bisphosphonates as an 'Illicit Substance' state that if Bisphosphonate is detected in a racehorse older than 3.5 years, a 30-day withdrawal period must have been complied with to be in line with the Bangalore Turf Club's rules. It is to be noted that the horse is, as a matter of fact known to all parties, older than 3.5 years. Furthermore, the withdrawal period has been duly complied with as it has been well over 30-days. Moreover, it is a matter of serious concern that the age of the horse b c ADJUSTMENT has been selectively misrepresented by the BTC authorities as being younger than 3.6 years old, for example, vide their letters dated 10.12.2022, as well as 26.12.2022. This is of serious concern as the age of the horse holds particular importance in the matters concerning Bisphosphonates, and because there is reason to believe that the age of the horse has also been misrepresented to the QuantiLab authorities.

(iv) The administration of the Tiludronic Acid has been carried out by a qualified veterinarian, and the same has been duly entered / noted in the Trainer's medication log book.

- a. It is submitted that Tiludronic Acid was administered to b c (4-year-old) ADJUSTMENT, by a veterinarian who is highly experienced, qualified, and duly approved by the Stewards of the Bangalore Turf Club. After a diagnosis determined by him that supports the use of the same. Moreover, the administration history of Tiludronic Acid has been duly recorded in the medication logbook. At this juncture, it is also submitted that any possible failure of the veterinarian to inform the Bangalore Turf Club authorities regarding the said administration, does not make me, i.e., the Trainer, liable in any way whatsoever.

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(v) **The letters dated 20th February 2023 and 27th February 2023 are not relevant against the race run b c (4-year-old) ADJUSTMENT run on 25/01/2023. (Annexure A-6).**

- a. It is submitted that the referenced letter was issued with respect to the alleged positive finding of b c (4-year-old) ADJUSTMENT after it placed Second in Race No.87 i.e., The Gateway of India Plate Div.-I, run on 25/01/2023. However, as per the letter dated 20th February 2023, enclosed to the referenced letter, it is made clear that, no action whatsoever can be taken by the Club authorities with respect to the race run on 25/01/2023.

The letter dated 20th February 2023 states that "Further, it is RECOMMENDED that the horse whose sample tested positive, and is classified as an illicit substance WILL NOT BE PERMITTED to start in any race or official trial UNTIL AFTER AN ILLICIT SUBSTANCE CLEARING CERTIFICATE is provided by the Chief Veterinary Officer in respect of the sample taken from the horse on a date directed by the stewards of the club. "Evidently, nothing stated in the said letter applies to the race run on 25/01/2023, and absent any derogation on my part in any manner, issuance of the letter dated 27/02/2023 is totally unwarranted and uncalled for, that instead serves to reflect malicious intent on part of the BTC authorities.

(vi) **Bangalore Turf Club Ltd. Authorities duly permitted / allowed for the horse b c (4-year-old) ADJUSTMENT to race on 25th January 2023 and are therefore now stopped from benefitting from their own inaction.**

- a. Notwithstanding and without prejudice to anything stated in this letter, it may be noted that, nothing precluded the Bangalore Turf Club Authorities to prevent b c (4-year-old) ADJUSTMENT from racing on 25/01/2023. The BTC authorities have not taken any steps whatsoever, to stop the said horse from racing on 25/01/2023, even after having prior knowledge of Tiludronic Acid administered to the horse, as the testing of the horse to check for the presence of prohibited substances was performed on 28.11.2022 to 02.12.2022, well before the issuing of the notification dated 18.12.2022 that classifies Bisphosphonates as an illicit substance. Having sufficient knowledge of all facts and circumstances pertaining to administering of Tiludronic Acid, the

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BTC authorities are therefore now stopped from taking any action whatsoever, as they cannot in law or equity reap benefit(s) from their own failure to act.

(vii) The obligations of the person in charge of the animal under the Prevention of Cruelty to Animals Act, 1960 (Annexure A-7)

a. It may be noted that as the Trainer b c (4-year-old) ADJUSTMENT, I am in charge of the horse and therefore, obligated to follow the law with respect to the horses overall health and well-being. As you may be aware, Section 3 of the Prevention of Cruelty to Animals Act, 1960 provides for the following:

"3. Duties of persons having charge of animals. -It shall be the duty of every person having the care or charge of any animal to take all reasonable measures to ensure the well-being of such animal and to prevent the infliction upon such animal of unnecessary pain or suffering."

b. It is to be noted that Tiludronic Acid was administered to b c (4-year-old) ADJUSTMENT by an experienced, qualified and BTC-approved veterinarian as medication. This is furtherance of my duty as its Trainer to ensure its health and well-being. As it is known, Tiludronate is a type of bisphosphonate used to treat bone-related pain horses. They are proven to cause some improvement in lameness caused by navicular disease and distal hock arthritis, and a larger double-blind, placebo-controlled trial for hock arthritis also demonstrated this drug's efficacy. Tiludronate has also proven efficacious in the treatment of thoracolumbar vertebral pain in horses. Therefore, this was a reasonable measure taken in order to ensure the good health of the horse that is under my charge, and to prevent the infliction upon it unnecessary pain and/or suffering.

(viii) Blatant Violation of Principles of Natural Justice

a. It is submitted at the first instance that the investigation process as well as the present hearing are severely affected by the involvement of the Chief Veterinary Officer (CVO), Dr. Senthil Kumar and Mr. Arvind Raghavan, owing to the fact that I have pre-

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- existing / prior disputes with them a fact well known in the community. As such the whole investigation process (with respect to all the matters) has been compromised due to the involvement of the CVO in the same, owing to his inherent bias. Additionally, it is submitted that Mr. Arvind Raghavan ought to excuse himself from the present hearing for the reason of bias.
- b. My letter dated 10th July 2022 (**See Annexure A-7**) addressed to Secretary, BTC may be referred to with regard to my prior dispute with Dr.Senthil Kumar, wherein I raised concerns on the arbitrary, unorthodox, and unlawful actions on part of Dr.Senthil Kumar. The letter also serves to prove that Dr.Senthil Kumar has history of levelling false and baseless allegations against me. In light of the same, it is not at all unreasonable and in fact is warranted that I raise the apprehension that his involvement in all the matters with respect to which a chargesheet(s) were issued to me, blatantly violates the principle of natural justice.
- c. Here, I should also point out that it is a well-known fact that Mr. Arvind Raghavan who is a steward of the Club, and who is likely to be present and participating in the hearing, has had issued with me during his time as General Council Member of the Bangalore Animal and Stable Employees Welfare Society. I have also filed a case against the society in the City Civil Court, Bangalore, in March 2020. Further, due to the interference of the then chairman Harimohan Naidu and Stewards Mr. Kiran Basappa and Mr. Uday Eswaran, there was a meeting on 10th March, 2020 in BTC, and in accordance with the request of BTC Stewards, they persuaded me not to proceed with the said case. However, in the case itself I raised certain points as to the financial irregularities in the society, which is still unanswered. Even in 2023, there have been tri-partite

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meetings between the society, Karnataka Race Horse Owners Association and the

d. Stewards of BTC who have been aware of the issue raised by KROA office bearers.

(ix) **The observations of Prof. Tobin Thomas (Veterinary Surgeon) M.V.B., M.Sc., PhD, Member Royal college veterinary surgeons (MRCVS) Associate member, Association of Official Racing Chemists (AMAORC) Diplomate, American Board of Toxicology (DABT, 1980-2105) (See Annexure A-8).**

a. Without prejudice to anything stated above or anywhere in this statement, I humbly submit that the observations made by Prof. Tobin Thomas lay further emphasis on the submissions made above, while also providing additional grounds for dismissal of the entire matter. **According to Prof. Tobin Thomas, the below listed numerous reasons (deficiencies in the data and justifications of BTC authorities in this matter) are, in his opinion serve only to prove that there is no scientific or forensic basis whatsoever supportive of a violation of a rule of racing by the trainer in question in this matter.**

Among others, the following were highlighted in his analysis report:

- **No evidence of notification of the Bangalore Turf Club racing community of the changed in regulatory status of tiludronic acid has been presented and no evidence of notification of the Bangalore Turf Club racing community of changes in the testing procedures for tiludronic acid has been presented.**

b. It was observed that what is also completely unclear is what changes were made in the Bangalore Turf Club regulatory procedures for TA following the December, 18th, 2022, change of its Bangalore Turf Club status to an "illicit substance". **This is important because TA is known in scientific circles to remain**

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detectable in plasma and urine for at least three years post therapeutic administration.

What is unclear is whether or not the Bangalore Turf Club analytical and or reporting procedures for TA were changed in any way following it becoming an "illicit substance", and if so when and how any such critically important substance detection and or reporting changes were communicated to the Bangalore Turf Club racing community. Regarding BTC QuantiLab analytical specifications for Tiludronic Acid, it was observed that the December 18th, 2022, re-classification of tiludronic acid as an "illicit substance" under the Bangalore Turf Club rules of racing and the resulting changed regulatory status of tiludronic acid give rise to a number of regulatory and analytical questions. The first question concerns the Bangalore Turf Club rule change of December 18th, 2022, and most particularly the information concerning same communicated to the Bangalore Turf Club racing community concerning the December 18th, 2022, and thereafter regulatory status and related regulatory testing procedures for tiludronic acid.

- c. Because tiludronic acid remains detectable in blood and urine samples of racing horse for at least three years after a therapeutic administration, the matter of how the Bangalore Turf Club and their analytical laboratory handled the matter of testing for tiludronic acid before and after the December 18th, 2022, rule change is critically important. Equally important is what information was communicated to the Bangalore Turf Club racing community about changes in testing policies and or testing procedures for Tiludronic Acid. This is because if the official pre December 18th, 2022 rule change withdrawal time post a tiludronic acid administration was just 30 days, then as far as the Bangalore Turf Club racing community was concerned tiludronic acid was presumably not present at either detectable levels or levels of regulatory concern for more than 30 days post administration. The question that then arises is how the Bangalore Turf Club handled the matter of the limited detection and or reporting time for Tiludronic acid associated with the official Bangalore Turf Club post Tiludronic acid treatment time of 30 days in place prior to December 18th, 2022, and how these matters were adjusted to accommodate the

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changed regulatory and presumably also analytical testing status of tiludronic acid post the December 18th, 2022 rule change.

- d. Correct, effective and timely communication of changes in the regulatory procedures for TA to all members of the Bangalore Turf Club racing community associated with the December 18th, 2022, regulatory status change for TA is a critically important responsibility of the Bangalore Turf Club. This is because prior to December 18th, 2022, TA was presumably regulated with a laboratory screening limit or its equivalent of about 20ng/ml in plasma, consistent with the then in place 30 day "withholding period" recommendation associated with therapeutic administrations of this medication.
- e. No evidence of notification of the Bangalore Turf Club racing community of the changed in regulatory status of tiludronic acid has been presented. Moreover, no evidence of notification of the Bangalore Turf Club racing community of changes in the testing procedures for tiludronic acid has been presented.
- f. Additionally, regarding 30 days withdrawal period of Tiludronic Acid, it was observed that it is of interest to note that this previously in place 30 day withdrawal time is close in time to the 25day 20 ng/ml plasma screening limit for tiludronic acid presented by Popot et al in 2018. These data therefore suggest that prior to December 18th, 2022, the Bangalore Turf Club and its QuantiLab analytical laboratory were regulating tiludronic acid by use of a plasma screening limit in the order of 20 ng/ml in plasma. This screening limit or a close equivalent was presumably in place prior to Dec 18th, 2022, but it is unclear if the Bangalore Turf Club is any way altered their presumably in place pre December 18th 2022, screening limit for tiludronic acid based on its post December 18th, 2022 status as an "Illicit substance" or communicated any changes in the sample testing/ detection /withdrawal time for tiludronic acid introduced post December 18th, 2022 to the Bangalore Turf Club racing community. Given this abrupt change in the regulatory status of tiludronic acid it is appropriate to request copies of all communities between the Bangalore Turf Club and QuantiLab concerning testing and reporting procedures for tiludronic acid prior

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to and post the December 18th, 2022, change in the regulatory status of tiludronic acid in Bangalore Turf Club Racing.

- The claimed detection is consistent with the rule position.
 - g. It was observed that, the claimed identification of TA in this matter was in a sample collected 77 or so days post the 7th and 9th November 2022 therapeutic administrations of TA to the horse ADJUSTMENT. This claimed detection of TA is presumably at a plasma concentration much less than the 20 ng/ml or so concentration present at 25 days post a therapeutic administration and dully consistent with the reported legitimate therapeutic administration of TA to the horse ADJUSTMENT 77 or so days prior to the January 25th, 2023, race in question in this matter. Additionally, it is to be noted that the concentration levels of TA are unclear, as TA was administered 77 days prior to the race.
- Absence of proper and comprehensive documentation.
 - h. There is complete absence of sample collection and chain of custody documentation (official documentation explained in detail) with reference to any of the analytical reports presented in this matter. It is important that full copies of the Bangalore Turf Club sample collection and Chain of Custody Records concerning all samples collected from ADJUSTMENT relevant to these tiludronic acid related events be shared, and also full copies of the Bangalore Turf Club Standard Operating Procedures governing these Sample Collection and Chain of Custody events and the names and official capacities and specific duties of the individuals that supervised and nor performed out these Bangalore Turf Club Sample Collection and Chain of Custody activities relevant to the samples in question in this matter. This is absent. It is to be noted that the chain of custody was accorded to me only via email, that too upon my request.
- The issue of accreditation of QuantiLab.
 - i. It was observed that the analytical method used by QuantiLab was not accredited by the Mauritius accrediting body, and presumably underpins the reason that QuantiLab did not provide a standard certificate of Analysis with respect to the January 28th, 2023

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postrace sample claimed taken from ADJUSTMENT. In relation to Mauritas accreditation, it was observed that previous QuantiLab report on claimed detections of tiludronic acid specifically note that the QuantiLab analytical method for tiludronic acid, LTP-0-35 is not included in the Mauritius Accreditation Schedule, i.e., the analytical method used is not a Mauritius accredited testing procedure. Therefore it is important that a full copy of the Standard Operating Procedures, QuantiLab used for this tiludronic acid test as it was performed on the noo number sample claimed analysed in the Annexure document and also on the previous sample(s) claimed taken from the horse ADJUSTMENT on 14.11.2022 and analysed by the QuantiLab analytical method LTP-0-35 and reported under the heading "Certificate of Analysis" be shared, along with the full QuantiLab Chain of Custody documentation for each of the referenced samples. The SOP was refused when previously asked for, stating confidentiality.

- The issue of how the matter was handled in its entirety.
 - j. It was observed that it is a matter of grave concern that it is unclear how the Bangalore Turf Club and QuantiLab handled the matter of the fact that tiludronic acid was apparently treated as an approved therapeutic medication with a 30 day withholding time until December 18,2022, and then presumably as a zero tolerance "Illicit substance" post December 18th, 2022. It is unclear how an approved equine therapeutic medication can also be an "Illicit Substance" and the procedure followed in designating tiludronic acid as an "Illicit substance" has not been presented.
- Sample number discrepancy; no Certificate of Analysis and the word 'positive' does not appear anywhere in the report.
 - k. With respect to the Chargsheet issued in this regard, it was observed that on the Annexure Page 1 of 6 it is claimed that the sample taken is from the horse ADJUSTMENT, however, no sample number referenced in the Annexure, and this 'no number' sample as per the Annexure claims tested "positive" for Tiludronic acid. However, nowhere in the Analysis report documentation provided

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does the term "Positive" appear and also nowhere is there a relevant Certificate of Analysis for this no number sample provided.

- Compliance with the withdrawal period

I. Regarding change in regulatory status of Tiludronic Acid in BTC, it was observed that the Annexure also sets forth that the claimed detection of Tiludronic acid in the "no number" sample from ADJUSTMENT is a detection of an "ILLCIT substance". The horse in question was administered Tiludronic acid as a Bangalore Turf Club approved therapeutic medication on the 7th and 9th of November 2022 following the instructions of one Dr. Hasneyn Mirza and was not raced until 25/01/2023. This is a full 77 or so day period between the approved therapeutic medication administration and the race in question and is substantially longer than the required 30 day withdrawal time for Tiludronic acid that was in place in Bangalore Turf Club racing at the time of the November 7th and 9th 2022, administrations of this tiludronic acid therapeutic medication treatment to ADJUSTMENT. Give that tiludronic acid was a legitimate therapeutic medication in Bangalore Turf Club racing prior to December 18th, 2022.

- The circumstances suggest a classic inadvertent entrapment scenario.

m. It was observed that these circumstances appear to and may well have created a classic inadvertent entrapment scenario for any trainers who treated horses with tiludronic acid prior to December 18th, 2022. Unless specifically informed otherwise by the Bangalore Turf Club these trainers would not have been aware that tiludronic acid remains detectable for a period of at least three years after a standard therapeutic tiludronic acid administration. This being so, such trainer to our knowledge could very well innocently enter their horses to race assuming that the administered tiludronic acid would have "cleared" their horses, based on their prior experience of Bangalore Turf Club rules and medication testing procedures with regard to tiludronic acid and its 30 day "withholding period".

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- The issue of bias and prior knowledge

- n. In this particular case it appears that the Quanti Lab laboratory was most unusually specifically instructed to test each and all of the ADJUSTMENT samples, presumably at the full Limit of Detection (LOD) sensitivity of the available technology, making certain that no previously in place screening limit for tiludronic acid consistent with the pre December 18th, 2022, withdrawal time was applied to any of the ADJUSTMENT samples analysed in association with these current matters.
- o. Furthermore, it was observed that the opening line of the Annexure document states that the a "random sample" of blood and urine was taken from ADJUSTMENT when the horse race on January 25th, 2023. Request for a copy of the Standard Operating Procedures followed by the Bangalore Turf Club and the Stewards under which and also which they follow when they "randomly" select a horse for postrace blood and urine sampling ought to be shared. QuantiLab was specifically directed by the Bangalore Turf Club to test certain samples for tiludronic acid and the samples so directed included the supposedly "randomly selected and include" ADJUSTMENT, clearly demonstrating that both the Bangalore Turf Club and QuantiLab, following the directions of the Bangalore Turf Club, did not treat this sample as a true random sample, but rather selected this sample for specific high sensitivity testing for tiludronic acid. Furthermore the following were also observed:
 - No justification presented for directions from the Bangalore Turf Club to the laboratory to test specific samples for tiludronic acid has been presented;
 - The claim that the sample taken from ADJUSTMENT on January 25th, 2023, was a "random" sample is not supported by the evidence presented in this matter, especially given the fact that the Authorities had prior knowledge of the presence of TA in the said horse, and this was the case before Bisphosphonates were classified as "Illicit Substance".
 - The Specific Bangalore Turf Club rule of racing claimed broken by this **unique sequence of events** has not been identified.

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• On Tiludronic Acid as a legitimate therapeutic medication and communication gaps:

- p. It was observed that Tiludronic Acid ("**TA**") was a legitimate therapeutic medication with a 30 day "withholding period" form racing under the Bangalore Turf Club rules of racing prior to December 18th, 2022. Then, on December 18th, 2022, TA became a Bangalore Turf Club rules of racing "illicit substance" which information was presumably communicated to all Bangalore Turf Club members, although when and how this information was communicated is not clear and nothing is readily apparent on the internet. It is not just a question of publishing of notification, but also how the same was communicated and when.
- q. In addition to the above observations made by Prof. Tobin, it is submitted that the BTC authorities, owing to the samples taken on 14.11.2022 and the test results pertaining thereto, had knowledge of the presence of TA in the horse b c ADJUSTMENT even before the race on 25.01.2023. Therefore, not only it is impossible that the sample taken by post-race is a "random" sample, as claimed by the authorities, but it also casts into suspicion any rule / regulation / procedural changes made with respect to blood / urine sample collection, as well as rule / regulation / classification changes made specifically with respect to Bisphosphonates and / or even Tiludronic Acid. This argument is further embellished by my claims of inherent bias against a few of the persons involved in all these processes, along with the fact that there has been an abrupt, untimely, arbitrary and suspicious change in the rules / regulations / procedures, if any at all. Therefore, it can also be inferred that notwithstanding the basis and without prejudice to any argument as to the validity of the same, any rule / regulation / procedural / classification changes made via any calendar notification, etc, cannot also retrospectively apply to my case, given - the prior knowledge (before 25.01.2023) on part of the BTC authorities of the presence of TA in the said horse; my claims of inherent bias against certain BTC authorities who are involved in the whole process; the fact that presence of bisphosphonates can be found 3 years after any administration; the lack of evidence as to the levels

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of TA found post-race which is also relevant to figure if any (new) administration of TA has been done, that too post 18.12.2022"

41) The Stewards were of the strong view expressing their anguish pertaining to the letter received from Trainer Mr. S. Padmanabhan dated: 6th April 2023 reading as follows:

- (I) The testing of the drug viz., Bisphosphonate from the Urine sample of b c ADJUSTMENT was done after horse ran 2nd in race No: 87 of the Bangalore Winter Meeting 2023 on 25th January 2023. The drug was classified on 18th December 2022 and was also notified to all the Trainers in writing when the Horse ADJUSTMENT ran and placed 2nd in the said race ,the drug was very much in existence in the system of the horse as per the report of the Quantilab and therefore, the claim of the Trainer that the notification operated retrospectively is a false statement.
- (II) The Quanti Lab does have the accreditation. The Quanti Lab was selected to test the primary samples by the Turf Authorities of India after deliberations only. Further although the QuantiLab in their foot note has said that not accredited Mauritas. Quanti Lab has very clearly explained their accreditation by means of their letter dated 4th May 2023.

1. What is Mauritas Accreditation ?

"Accreditation is defined as the procedure by which an authoritative body gives formal recognition that a body or person is competent to carry out specific tasks. The key words from the above definition in the process of accreditation are "authoritative", formal recognition" and "Competent"

MAURITAS is the sole national authority in Mauritius for granting accreditation to conformity assessment bodies involved in calibration, testing, inspection and certification. Such bodies may be engaged in conformity assessment for the benefit of Government, business and consumers at large either in the voluntary or regulatory sector. MAURITAS fulfils this function by assessing conformity assessment bodies (CAB's) to determine whether they are technically competent.

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Thus, through accreditation MAURITAS builds and maintains confidence for the benefit of all interested parties.

2. *Whether QuantiLab requires Mauritas accreditation to test any specific substance on client request ?*

QuantiLab has an extensive scope of accreditation for equine matrices' testing. Bisphosphonates analysis is a new requirement not running routinely in laboratories for all equine samples. Only few clients ask for such analysis on an adhoc basis. QuantiLab will increase its scope in October 2023 and has applied for bisphosphonates analysis.

QuantiLab does NOT require Mauritas accreditation to test for any specific substance, we can test for any substance once the method is developed and validated with all quality safeguards as described in ILAC G7.

3. *Whether a bisphosphonates analysis report is valid without Mauritas accreditation?*

Yes, as all the quality measures as per ILAC G7 and AORC minimum criteria for confirmation of positive findings were met. We do not understand why the B sample, was not tested to verify the findings of the primary laboratory.

4. *If the report is valid without Mauritas accreditation, they why was it mentioned under comments/ deviation ?.*

It is a requirement of the ISO 17025 standard and MAURITAS to highlight such tests. This is an indication that such test may be reported.

5. *If the lab is accredited under ILAC, does it require Mauritas accreditation too, to test bisphosphonates ?*

The laboratory does not require accreditation to test for a substance, testing and reporting may be carried for a new class of compounds while accreditation comes in a later stage as it is a lengthy procedure"

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The BTC has asked analysis of the said drug in terms of Rule No: 5 (a) (b) of the BTC Medication Rules. It is erroneous on the part of the Trainer Mr.S. Padmanabhan to claim that QuantiLab ought not to have proceeded with the testing for presence of Bisphosphonates.

- (III) The BTC does not dispute the claim of the Trainer as on the age of the horse. BTC has always maintained that the age of the horse is more than 3.5 years and there has been no question of any misrepresentation to Quanti Lab.
- (IV) The Drug Tiludronic acid, an "Illicit Substance" could have been administered by the highly experienced and qualified and duly approved private veterinarian operating at BTC. But the fact remains that the administration of the drug to the horse was not recorded in the BTC neither intimated by the private veterinarian. Therefore, in the instant case, when the medication was administered and by whom remains unanswered. The trainer only claims that the effect of the drug on the horse is based on the Medication administered on 7th and 9th of November 2022 without any proof or evidence to back his claim.
- (V) The Trainer's contention of the letter dated: 27.02.2023 by the Club is unwarranted and the allegations of malicious intent on the part of BTC is totally rebutted. The sample was collected after the said horse ran on 25 January 2023 is within the power of BTC Rules of Racing and BTC Medication Rules.
- (VI) The enquiry was still under progress and the horse has completed 30 days from the date of the last administration of injection TILUDRONIC ACID as claimed by the Trainer. The Trainer in his own interest should have got the horse sampled and tested negative before running it in said race. Further, the fact remained that the horse was permitted to run on 25th January 2023 by virtue of permission granted by the Stewards as a special case. This horse was being permitted to run subject to the horse being sampled wherever it ran in the race. Under this circumstance, it is stated that the kindness on the part of Stewards of BTC cannot be questioned by Trainer at this point of time.
- (VII) The argument put forth by the Trainer pertaining to Cruelty to Animals is not valid. On the other hand, the Trainer has inflicted cruelty on ADJUSTMENT by galloping the horse on different dates and running it in the Mock Race on 02/12/2022 (22 days post last injection) and subsequently the horse pulled up lame following the race and was treated for the same. This is much against the instructions given by his Veterinarian Dr.Hasneyn Mirza not to race the Horse for 5

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weeks(35 days) apart from whatever action the trainer would also be held responsible for inflicting cruelty to the horse which is clear violation of **THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960, CHAPTER I**

"3. Duties of persons having charge of animals.—It shall be the duty of every person having the care or charge of any animal to take all reasonable measures to ensure the well-being of such animal and to prevent the infliction upon such animal of unnecessary pain or suffering."

And Performing Animals (Registration) Rules, 2001,8. General conditions for registration

"v. the owner shall ensure that any animal is not inflicted unnecessary pain or suffering before or during or after its training or exhibition".

The submission of the Trainer vide his letter dated 10.04.2023 along with the Research papers states as follows:

"BP effects may be more related to pain relief than disease modification [48,49,50]. These pain-relieving effects could be beneficial for some individuals, but in human or animal athletes, masking pain could also be dangerous and lead to further deterioration of joint conditions. "

Thus proving that the pain masking effects of the said drug is also detrimental to the welfare of the horse when misused and made to perform under the influence of the Drug.

(VIII) This is totally misleading statement with malicious intention on the part of Trainer Mr.S. Padmanabhan. The claim of Mr. S. Padmanabhan for this particular enquiry is absurd and does not serve any purpose. Trainer Mr.S. Padmanabhan cannot inform the stewards as to who should be present at the enquiry nor can he object to anybody from sitting in the enquiry.

This particular subject was discussed by the Stewards and a letter dated: 28.04.2023 was sent to Trainer Mr. S. Padmanabhan reading as follows:

"Dear Sir,
Sub: Your letter dated: 06.04.2023.

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This is to inform you that your letter dated: 06.04.2023 was considered by the Stewards of the Club during the enquiry held on 06.04.2023. Taking into consideration the fact that you have attributed bias in the conduct of present Steward Mr. Arvind Raghavan and CVO Dr. R. Senthil Kumar sought them recusing themselves from the enquiry without any cogent or specific reasons to substantiate their alleged bias against you, the Stewards decided to reject your request and informed you about the same prior to conduct of the enquiry on 06.04.2023 which has been minuted accordingly. This is for you kind information"

(IX) The observations/opinion of Prof.Tobin Thomas(Page 4/16)(as submitted by trainer in his letter dated 06.04.2023).

Given the large number of concerns presented in the above summary analysis and opinions, we now present these concerns as a list of bullet points as below.

2.1 No sample collection documentation has been presented.

2.3 No Certificate of Analysis for the January 25th, 2023, sample has been presented.

2.6 The term "Illicit substance" is undefined.

2.7 The procedure followed in designating tiludronic acid as as "illicit substance" has not been presented.

2.8 No evidence of notification of the Bangalore Turf Club racing community of the changed in regulatory status of tiludronic acid has been presented.

2.9 No evidence of notification of the Bangalore Turf Club racing community of changes in the testing procedures for tiludronic acid has been presented.

2.10 No justification presented for directions from the Bangalore Turf Club to the laboratory to test specific samples for tiludronic acid has been presented.

2.11 The specific Bangalore Turf Club rule of racing claimed broken by this unique sequence of events has been identified.

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2.12 The claim that the sample taken from ADJUSTMENT on January 25th, 2023, was a "random" sample is not supported by the evidence presented in this matter.

2.13 Given these above listed numerous deficiencies in the data provided there is in my opinion no scientific or forensic basis whatsoever supportive of a violation of a rule of racing by the trainer in question in this matter.

42) Having not submitting sufficient/required information by the Trainer to Prof.Tobin Thomas, and Prof.Tobin Thomas stating deficiencies in the data is a clear incomplete statement/opinion on the case in hand and this cannot be considered.

- a. The evidence of Notification of the Classification of Bisphosphonates (**2.8**) was circulated among the racing fraternity in the same way as done on earlier occasions.(Annexure-Notification)
- b. The Regulatory status for Bisphosphonates was issued under Rule 27(5) of the Medication rules of BTC on 19.6.2020 and the trainer acknowledged it on 10.10.2020 itself. It was on 18.12.2022 the classification of Bisphosphonates was released.
- c. Turf Authorities of India being signatory to International Federation of Horse racing Authorities (IFHA) and the Article 6 E is adopted by Turf Authorities of India which states as below as in Rule 27(5).

The withdrawal period of 30days for a Horse to race after injection with Bisphosphonates is as per IFHA guidelines and BTC does not change its regulatory status as far as 30days period is concerned, before and after its notification. Therefore, it is only a presumption on the part of Prof.Tobin Thomas that the regulatory status of testing and reporting is changed.

- d. Prior to the Notification dated: 18.12.2022, the Bangalore Turf Club or Turf Authorities of India or International Federation of Horse racing Authorities (IFHA) in which the Turf Authorities of India is a signatory, never communicated that *Tiludronic Acid* was regulated with Laboratory screening limits in Plasma. This is also a mere presumption by Prof.Tobin Thomas.
- e. The regulatory status is not changed and only the classification of the Bisphosphonates was notified.
- f. The details are explained above.
- g. The samples collected on 14th November 2022 is out of competition testing sample and its within 5 days post administration of *Tiludronic Acid* i.e., 9th November 2022.The blood and urine samples showing presence of *Tiludronic acid* was considered as legitimate administration during the course of enquiry and the trainer was not penalised for the same. The concentration of

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- the TA is not required to be estimated as these are not substances tested with screening limits or threshold limits as per International standards and practice.
- h. The trainer sought only the chain of custody of the samples as per his email dated 15.12.2022 and the same was replied through email dated 26.12.2022 by the Senior Stipendiary Steward. It is to be noted that no request has been made on the part of the trainer seeking relevant documents.
- i. The Reply from Quantilab regarding accreditation is as follows...

1. *What is Mauritas Accreditation ?.*

"Accreditation is defined as the procedure by which an authoritative body gives formal recognition that a body or person is competent to carry out specific tasks. The key words from the above definition in the process of accreditation are "authoritative", formal recognition" and "Competent"

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2. *Whether QuantiLab requires Mauritas accreditation to test any specific substance on client request ?*

QuantiLab has an extensive scope of accreditation for equine matrices' testing. Bisphosphonates analysis is a new requirement not running routinely in laboratories for all equine samples. Only few clients ask for such analysis on an adhoc basis. QuantiLab will increase its scope in October 2023 and has applied for bisphosphonates analysis.

QuantiLab does NOT require Mauritas accreditation to test for any specific substance, we can test for any substance once the

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method is developed and validated with all quality safeguards as described in ILAC G7.

3. *Whether a bisphosphonates analysis report is valid without Mauritas accreditation?*

Yes, as all the quality measures as per ILAC G7 and AORC minimum criteria for confirmation of positive findings were met. We do not understand why the B sample was not tested to verify the findings of the primary laboratory.

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It is a requirement of the ISO 17025 standard and MAURITAS to highlight such tests. This is an indication that such test may be reported.

5. *If the lab is accredited under ILAC, does it require Mauritas accreditation too, to test bisphosphonates ?*

The laboratory does not require accreditation to test for a substance, testing and reporting may be carried for a new class of compounds while accreditation comes in a later stage as it is a lengthy procedure"

j. It is clearly explained in the Medication Rules of the Bangalore Turf Club as far as definition of illicit substance (2.6) and the Notification issued by the Bangalore Turf Club Limited as far as classification of Bisphosphonates, both of which were not submitted to Prof.Tobin Thomas by the trainer for the reasons best known to him. It is surprising to note that Prof.Tobin Thomas was not aware of the Association of Racing Commissioners International (ARCI) guidelines in classifying Bisphosphonates as an Illicit Substance.

k. The Certificate of Analysis from Quanti lab was provided to the trainer even before the said charge sheet was issued and he is fully aware and has agreed upon the correctness of the sample number as per analysis report and hence, any claim to the contrary by the trainer cannot be entertained as the test report confirms the Presence of *Tiludronic acid*.

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l. The withdrawal period of 30 days post administration of Bisphosphonates stated here is adopted by Turf Authorities of India from International Federation of Horse racing Authorities (IFHA) and as per that guidelines the samples collected post race on 25th January 2023 is supposed to be absent from Bisphosphonates. However, the urine sample showed the presence of *Tiludronic acid*.

The fact that the horse participated in a Mock Race 22 days post administration of the drug despite advice by Dr. Hasneyn Mirza not to race for 5 weeks was concealed from Prof. Tobin Thomas by the trainer for the reasons best known to him.

m. The claim that *Tiludronic acid* remains detectable in plasma and urine for 3 years post administration is declined by the fact that both the Blood sample and urine sample taken postrace on 25th January 2023 did not detect the presence of *Tiludronic Acid*. *Tiludronic Acid* was detected only in the Urine sample, which is enough to prove that the claims made in the research article is inconclusive as on date. IFHA did not change its guidelines considering the Research paper or change the timeline for racing post administration of Bisphosphonates.

n. The test request for Bisphosphonates analysis in the Blood and Urine samples of Horse ADJUSTMENT collected on 25.1.2023 did not carry any specific instruction to test at the full limit of detection (LOD) as presumed by Prof. Tobin Thomas. The test request from Bangalore Turf Club Limited was provided by Quantilab as part of Analytical data and the trainer was in receipt of the same.

o. It is the discretion of the Stewards (Regulatory Authority) to decide on the selection (**2.10**) of the horse post a race and they are empowered as per the Medication Rule no.5.

p. The copy of the Notification was readily circulated in What's app group "BTC OFFICIAL RELEASES" by BTC officials and the trainer himself is in the group. (copy circulated to KTA, KROA, LICENSED VETERINARY PRACTITIONERS, etc., and posted on the NOTICE BOARD,)

q. The Trainer and not the Bangalore Turf Club limited entered, accepted and declared the Horse to run on 25.1.2023.

43) It is imperative to note that"

i) Prof. Tobin Thomas not pointing out the basic rule that it is the duty and responsibility of trainer to present his horse free of prohibited /Illicit substances for a race as per the international rules of racing.

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ii) Prof.Tobin Thomas did not mention anything about the detection of Tiludronic Acid in the Post race Urine sample collected on 25.1.2023 as the trainer did not present the Certificate of Analysis (2.3) of the sample taken .

Also, it may be noted that the trainer did not attempt to seek the technical opinion from experts before accepting the horse to race nor requested Bangalore Turf club to test the sample before accepting to participate in a race to ensure that the horse is free from any drug, which any person of normal prudence would do.

Further to the rebuttal of the Stewards while summarising the case, the Stewards unanimously decided as follows:

1. The Stewards noted that the evidence rendered by the Trainer and his Assistant should also be taken into account, while dealing with this particular case under reference.
2. Classification was sought from the Veterinary Commissioner, TAI as also ARCI.
3. The ARCI did not reply to the e-mail from the club, but through their website the guidelines were taken.
4. The horse was accepted to run on 25/01/2023 i.e., Race No.87, The Gateway of India Plate Div-I (about) 1400 meters.
5. At the meeting of the Stewards held on 23/01/2023, the Stewards have decided to permit the horse ADJUSTMENT to run on 25/01/2023 on the condition that,
" this was done as a special case and without prejudice to the ongoing enquiry by the Stipendiary Stewards and further that the samples will be collected from the said horse after the race irrespective of its placing."
6. It was sampled and urine sample returned positive for TILUDRONIC ACID and blood sample returned negative.
7. Further during the enquiry the trainer stated that, he did not wish to elaborate other than his written submissions dt.06/04/2023. Even his assistant categorically said that, the horse returned positive in the second time is because of the treatment given to it in November 2022. Here again the statement given by his private veterinarian viz. Dr.Hasneyn Mirza goes against this.

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8. The trainer through his private veterinarian has caused to be administered this drug (Bisphosphonates) TILUDRONIC ACID is attracted by Rule No.16 (a) & (b) of BTC Medication Rules states as follows :

16. *When a sample taken at any time from a horse trained by a Licensed*

Trainer has detected in it any Illicit Substance specified in Rule 14:

- (c) *The trainer and/or any other person who was in-charge of such horse at the relevant time is guilty of an offence and a disqualification of not less than 2 years must be imposed unless there is a finding that a special circumstances backed with evidence exists, in which case the penalty may be reduced;*
- (d) *The horse may be disqualified from any race in which it has competed subsequent to the taking of such a sample found to contain an Illicit Substance.*

9. The Stewards noted that the administration of Bisphosphonates to his charge ADJUSTMENT tantamounts to violation of Rule No.202 (i) (c) of BTC Rules of Racing produced hereunder:

202 – Improper practice :-

The Stewards and/or the Stewards of the Club shall fine and/or punish and/or warn off and/or exclude and/or eject and/or disqualify and/or suspend or withdraw Licences, for any reason or reasons, from any race course or place where these Rules are in force, any of the following persons viz.:

- (i) *Any person who in their opinion has been guilty of any*
- (a) *dishonest, corrupt,*
- (b) *fraudulent, or*
- (c) **improper practice or**
- (d) *dishonourable action*

in connection with racing anywhere.

This apart, the administration of Bisphosphonates to his charge ADJUSTMENT by the Trainer is also a violation of the Medication Rules.

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10. The drug came under the category of Bisphosphonates, the trainer was asked whether he would opt for the 'B' sample to be sent for confirmatory analysis from any one of the three reference laboratories as found in the BTC Racing Calendar but the trainer did not opt on his own. The reasoning given by the Trainer for not opting of the confirmation analysis is very strange.
11. Since the trainer had asked for quantitative and qualitative analysis conducted by the concerned lab, the trainer was informed that as per the reply from M/s. QuantiLab, Mauritius, Bisphosphonates are not substances with threshold or screening limits and as such, quantitative analysis is not required.
12. However, the lab added the detailed qualitative analysis report would follow when available. Subsequently, the qualitative analysis together of the graphs was sent by the said lab and the same was forwarded to trainer Mr.S.Padmanabhan vide our e-mail dt.10/02/2023.
13. During the enquiry, trainer's assistant confessed that he approached the Chief Veterinary Officer requesting for the administration of the said drug as directed by his trainer on 01/11/2022. However, he confessed that CVO refused the administration. Then he approached Dr.Syed Naveed Ahmed, who also refused stating that there was no horse of his with confirmed diagnosis requiring Tiludronic Acid administration. Then they approached Dr.Hasneyn for the same.
14. It is pertinent to note that, the services of the club veterinary officers were not utilised. When interrogated Dr.Kalamegam said that, the two vials of 10ml each of TILUDRONIC ACID was administered by him and said vials were given by Assistant to Trainer Mr.Rishi.
15. Mr.Rishi, Assistant to Trainer stated during the enquiry that, the trainer had given him a fresh sealed box of vials containing 10 vials out of which 2 vials were administered to ADJUSTMENT and the balance vials were taken away by the trainer.
16. Mr.Rishi confessed that the trainer initially planned to give 6 vials for the said horse. However, it was stopped after the horse was sampled.

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17. The fact remains that the circumstantial evidence such as statement of the Assistant to Trainer Mr. Rishi regarding the fresh box of vials, the trainer keeping injections in his stable, the Trainers intention of having administered or caused to be administered the drug to the horse not through the Clubs Veterinary Officer but through a private Veterinarian points a finger on the trainers involvement in the whole episode. The Trainers knowledge of the administration of the said drug to the said horse to mask the pain suffered by the horse is also quite evident.

18. Whereas as per trainer's Log Book the horse was on rest on 12th November, 2022 and further no work Log Book maintained for any of your horses from 14/11/2022 to 28/11/2022. Therefore, how the horse was worked by the trainer on the said dates remains unanswered. The horse ran a Mock Race on 02/12/2022. Subsequently the horse ran on 25/01/2023 when the horse was under the influence of Bisphosphonates (TILUDRONIC ACID). To that extent, the trainer is fully responsible for negligence in the discharge of his duties vide Rule No.114 (b) (i) of Rules of Racing are produced below:-

114 (b) *In addition to or in lieu of any other penalties or punishments as may be laid down under these Rules of Racing, a Trainer may be fine, suspended or disqualified by the Stewards:-*

(i) *If his conduct or negligence or neglect in the performance of his duties as a licenced professional has led or could have led to a breach of the Rules of Racing;*

19. This substance has been termed an illicit substance. Illicit substances meaning any substances which are prohibited and which are have legitimate use on horse and have high potential for abuse.

20. The trainer has not followed the procedures and principles for administration of substance in terms of the BTC Medication Rules.

21. The trainer has not maintained the Medication Log Book regularly, the part of which are produce in Rule No.19 as stated below :

Rule 19 of Medication Rules :-

A trainer must record in his log book (hand written) any medication or treatment administered to any horse in the Trainer's care by midnight on the day on which the administration was given.

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(1) For the purpose of this Rule, each record of administration must include the following information :-

- (h) the name of the horse ;
- (i) the date and time of administration of the treatment or medication;
- (j) the name of the treatment or medication administered (brand name or active constituent);
- (k) the route of administration including by injection, stomach tube, paste, topical application or inhalation;
- (l) the amount of medication given (if applicable);
- (m) the duration of treatment (if applicable);
- (n) the name and signature of the person/s administering and/or authorizing the administration of the treatment or medication.

(3) For the purpose of this Rule "medication" includes:-

- a) all Controlled Drugs administered by an Approved Veterinarian;
- b) all Prescription Animal Remedies;
- c) all Prescription only Medicines, prescribed and/or dispensed by an Approved Veterinarian for off-label use;
- d) all injectable medicines (intravenous, intramuscular, subcutaneous, intra-articular) not already referred to above;
- e) all Pharmacist Only medicines;
- f) all veterinary and other medicines containing other scheduled and unscheduled prohibited substances;
- h) all herbal/ayurvedic preparations;
- i) all homeopathic medicines.

(4) Any person who breaches this Rule is guilty of an offence and may be penalized.

22. The trainer is responsible in terms of Rule No.20 for at least two years which he has not done, the same as stated below :

Rule 20 of Medication Rules :-

All records required to be kept in accordance with this Rule must be retained by the Trainer for at least 2 years.

23. According to the above rule the Calendar Notification dt.18/12/2022 clearly states that the classification of Bisphosphonates which are given below :

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Notification

The Stewards of the Bangalore Turf Club Ltd. at their meeting held on 17.12.2022, have approved the classification of BISPHOSPHONATES (being a Restricted Therapeutic Drug) for incorporation in the Medication Rules of the Club with effect from 18.12.2022 as notified hereunder:-

CLASSIFICATION OF BISPHOSPHONATES (BEING A RESTRICTED THERAPEUTIC DRUG)

1. As an ILLICIT SUBSTANCE if it is detected in and out of competition or post race test sample in any of the following events:

- a) When it is detected in a sample of race horse younger than 3.5 years (as determined by its recorded date of birth).
- b) When such administration is without prior approval from the Regulatory Authority.
- c) When the Regulatory Authority has not received timely notification of its administration within 24 hours.
- d) When it is detected on a race day in a race horse older than 3.5 years (as determined by its recorded date of birth), if a 30-day withdrawal period has not been complied with.
- e) When there is no official diagnosis determined by a Veterinary surgeon that supports the use of Bisphosphonates as an appropriate treatment.
- f) When it is not administered in accordance with the product label instructions.
- g) When it is not administered by a Veterinarian.
- h) When such Bisphosphonates is not approved and registered for use in horses.

2. Under Class 3 : If any Bisphosphonates approved for use in horses is detected in and out of competition or post race test sample, after fulfilling the specific requirements for the use under Medication Rule No.27(5).

Notes: In all the above cases, the horse whose sample tested positive and is classified as an **ILLICIT SUBSTANCE**, will not be permitted to start in any race or Official trial until after an Illicit Substance Clearing Certificate is provided by Chief Veterinary Officer in respect of a sample taken from the horse on a date directed by the Stewards of the Club.

PENALTIES FOR OFFENCE - ILLICIT SUBSTANCES

Any horse that tests positive for an ILLICIT SUBSTANCE including ANABOLIC STEROIDS AND SEX HORMONES, the Trainer and/or any other person so charged by the Stewards will be declared a Disqualified Person and suffer the following penalties;

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*1st infringement – Disqualification for a period of 2 years
2nd infringement – Disqualification for a period of 3 years;
3rd infringement – Warn-Off.*

The horse found positive for Anabolic Steroid(s)/Sex Hormone(s) shall not be permitted to race for a period of 180 days and such horse/s shall be subjected to testing for Anabolic Steroid(s) / Sex Hormone(s) before entering in a race and such entry shall not be accepted till such time the sample comes negative for anabolic Steroid(s) / Sex Hormone(s).

Any horse that tests positive for Illicit Substances which are covered under the separate list of drugs termed as "ILLICIT SUBSTANCES", the concerned Trainer shall be declared a disqualified person and the commencement of the punishment shall be with effect from the date of receipt of the respective report (Primary Analysis Report or confirmatory Analysis Report whichever is later).

24. The trainer's statements and also Assistant to Trainer Mr.Rishi's statements are contradictory in nature as regards the administration of 2 vials that was supposed to have been administered to the horse ADJUSTMENT. In that where the Assistant to Trainer Mr.Rishi says the trainer bought a new pack of 10 vials of which 2 vials were used on this horse on 7th and 9th of November 2022. The trainer's statement that he brought it out of the old stock which was supplied by BTC in the year 2021 for use on two horses namely ART POWER and I AM THE SPOTLIGHT. The said two horses were given all 20 vials by Trainer as per BTC rules. This amounts to tendering false and misleading evidence Rule No.202 (vi) & (vii) of BTC Rules of Racing reading as follows:

202 (vi) *Any owner, nominator, trainer, jockey, lessee, apprentice, stable hand, bookmaker or bookmakers assistant or any person who either wilfully refuses to attend and give evidence at an enquiry when requested by the Stewards/Stewards of the Club/Stipendiary Stewards to do so, or knowingly gives evidence which is false or misleading in any particular.*

(vii) *any person who gives at any enquiry or appeal any evidence which in their opinion is false or misleading in any manner.*

25. The trainer is bound by the Licensing condition as detailed below :

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Licensing conditions as framed in the Application for "A" / "B" Trainer's Licence :-

Licensing condition 1 :-

I have read all the relevant Rules of Racing, Medication Rules, Racing Calendar, the Rules of Track and Notices, Notifications, etc., which have been duly published and/or Notified by the B.T.C.Ltd., in the Racing Calendar from time to time. I have understood all the implications of the said Rules and Notices and accept the legality.

Licensing condition 3 :-

I undertake that the grant of such a Licence would be on an annual basis and I shall not claim or demand any right to renewal thereof. I further undertake that the issuance of this licence is liable to suspension and/or cancellation in the event of there being a breach on my part of the Rules and Notifications applicable to me.

Licensing Condition 12 :-

I accept that as a licensee of the Club I have an obligation towards smooth conduct and administration of Racing and I shall not take any action or step which will have the effect of in any way disrupting or adversely affecting the activity of horse Racing at the BTC.

The Trainer, whose charge is tested positive will be declared a disqualification person as under:

Note 1:

The above guidelines are for the liability of the Trainers, as he is wholly and solely responsible for the care, welfare and security of the horse/s under his charge, hence shall attract the punishment/penalties mentioned above for the detection of prohibited substances. If proof of actual involvement of Trainer in violating of any of these Rules is forthcoming to the satisfaction of the Stewards shall be entitled to take further action and for such period of time as they deem fit, without in anyway being limited by the above guidelines.

Therefore, it is very clear beyond any doubt that Trainer Mr. S. Padmanabhan breached various Rules of Racing / Calendar Notification / BTC Medication Rules / under taken given by him while applying for the trainer's license.

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In view of the above, the Stewards unanimously decided as under:

- a) To declare Trainer Mr. S. Padmanabhan as a "Disqualified Person" under the BTC Rules of Racing for a period of two years i.e. 24/11/2023 to 23/11/2025 [both days inclusive] for his charge 4 yr old b c ADJUSTMENT testing positive for ILLICIT SUBSTANCE, since the trainer is already under suspension of his Trainer's License which is in force till 23/11/2023 for another offence.**
- b) That the horse 4yr old b c ADJUSTMENT will be permitted to run only after having tested negative for the presence of any ILLICIT SUBSTANCE.**
- c) He was informed of his right to appeal before the Board of Appeal.**

Sd/- T. Raman (Advisor Racing)

Sd/- G. Ravi Shankar

(Sr. Stipendiary Steward)

10-7-2023

PUBLISHED BY THE ORDER OF THE STEWARDS"

The Board of Appeal members took on record the email dated 28/07/2023 received from Dr. R.Senthil Kumar, Chief Veterinary Officer of the Club together with observations made by the expert at the Qunati Lab, Mauritius.

The Board also noted the following:-

- The testing of the drug viz., Bisphosphonate from the Urine sample of b c ADJUSTMENT was done after horse ran 2nd in race No. 87 of the Bangalore Winter Meeting 22 - 2023 on 25th January 2023. The drug was classified on 18th December 2022 and was also notified to all the Trainers in writing when the Horse ADJUSTMENT ran and placed 2nd in the said race ,the drug was very much in existence in the system of the horse as per the report of the Quanti lab and therefore, the claim of the Trainer that the notification operated retrospectively is a false statement.

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- The Quanti Lab does have the accreditation of ILAC-G7. The Quanti Lab was selected to test the primary samples by the Turf Authorities of India after deliberations only. Further although the Quanti Lab in their foot note has said that not accredited Mauritas. Quanti Lab has very clearly explained their accreditation by means of their letter dated 4th May 2023.

1. What is Mauritas Accreditation ?

"Accreditation is defined as the procedure by which an authoritative body gives formal recognition that a body or person is competent to carry out specific tasks. The key words from the above definition in the process of accreditation are "authoritative", formal recognition" and "Competent"

MAURITAS is the sole national authority in Mauritius for granting accreditation to conformity assessment bodies involved in calibration, testing, inspection and certification. Such bodies may be engaged in conformity assessment for the benefit of Government, business and consumers at large either in the voluntary or regulatory sector. MAURITAS fulfils this function by assessing conformity assessment bodies (CAB's) to determine whether they are technically competent. Thus, through accreditation MAURITAS builds and maintains confidence for the benefit of all interested parties.

2. Whether QuantiLab requires Mauritas accreditation to test any specific substance on client request ?

Quanti Lab has an extensive scope of accreditation for equine matrices' testing. Bisphosphonates analysis is a new requirement not running routinely in laboratories for all equine samples. Only few clients ask for such analysis on an adhoc basis. QuantiLab will increase its scope in October 2023 and has applied for bisphosphonates analysis.

QuantiLab does NOT require Mauritas accreditation to test for any specific substance, we can test for any substance once the method is developed and validated with all quality safeguards as described in ILAC G7.

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3. *Whether a bisphosphonates analysis report is valid without Mauritas accreditation?*

Yes, as all the quality measures as per ILAC G7 and AORC minimum criteria for confirmation of positive findings were met. We do not understand why the B sample was not tested to verify the findings of the primary laboratory.

4. *If the report is valid without Mauritas accreditation, they why was it mentioned under comments/ deviation ?*

It is a requirement of the ISO 17025 standard and MAURITAS to highlight such tests. This is an indication that such test may be reported.

5. *If the lab is accredited under ILAC, does it require Mauritas accreditation too, to test bisphosphonates ?*

The laboratory does not require accreditation to test for a substance, testing and reporting may be carried for a new class of compounds while accreditation comes in a later stage as it is a lengthy procedure"

The BTC has asked analysis of the said drug in terms of Rule No: 5 (a) (b) of the BTC Medication Rules. It is erroneous on the part of the Trainer Mr.S. Padmanabhan to claim that Quanti Lab ought not to have proceeded with the testing for presence of Bisphosphonates.

- The BTC does not dispute their claim of the Trainer as to the age of the horse. BTC has always maintained that the age of the horse is more than 3.5 years and there has been no question of any misrepresentation to Quanti Lab. Age does not have any impact on the analyst of the samples for any substance.

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- The Drug Tiludronic acid, an "ILLICIT Substance" might have been given by the highly experienced and qualified and duly approved private veterinarian operating at BTC. But the fact remains that the administration of the drug in the horse was not recorded in the BTC medication log book nor intimated by the private veterinarian. Therefore, in the instant case, when the medication was administered and by who remains unanswered. The trainer only claims that the effect of the drug on the horse is based on the Medication administered on 7th and 9th of November 2022. There is no proof coming out as regards administration of this drug.
- The Trainers contention of the letter is unwarranted and the allegations of malicious intent on the part of BTC is totally rebutted. The sample was collected after the said horse ran on 25 January 2023 is within the power of BTC Rules of Racing and BTC Medication Rules.
- The claim of the Trainer is very ironical that permitting the horse to run on 25th January 2023 **BTC from benefitting their own action**. The Enquiry was still under progress and the horse has completed 30 days from the date of the last administration as claimed by the Trainer. The Trainer in his own interest should have got the horse sampled and tested before running it in said race. Further, the fact remained that the horse was permitted to run on 25th January 2023 by virtue of permission granted by the Stewards of the meeting as a special case. This horse was being permitted to run subject to the horse being sampled wherever it ran in the race. Under this circumstances it is stated that the kindness on the part of Stewards of BTC cannot be Questioned by Trainer at this point of time.
- The argument put forth by the Trainer pertaining to Cruelty to Animals is not valid. On the other hand, the Trainer has inflicted cruelty on ADJUSTMENT by galloping the horse on different dates and running it in the Mock Race

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on 02/12/2022 (22 days post last injection) and subsequently the horse pulled up lame following the race and was treated for the same. This is much against the instructions given by his Veterinarian Dr.Hasneyn Mirza not to race the Horse for 5 weeks(35 days) apart from whatever action the trainer would also be held responsible for inflicting cruelty to the horse which is clear violation of **THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960, CHAPTER I**

"3. Duties of persons having charge of animals.—It shall be the duty of every person having the care or charge of any animal to take all reasonable measures to ensure the well-being of such animal and to prevent the infliction upon such animal of unnecessary pain or suffering."

And Performing Animals (Registration) Rules, 2001,8. General conditions for registration

"v. the owner shall ensure that any animal is not inflicted unnecessary pain or suffering before or during or after its training or exhibition"

The submission of the Trainer vide his letter dated 10.04.2023 along with the Research papers states as follows

"BP effects may be more related to pain relief than disease modification [48,49,50]. These pain-relieving effects could be beneficial for some individuals, but in human or animal athletes, masking pain could also be dangerous and lead to further deterioration of joint conditions. "

Thus proving that the pain masking effects of the said drug is also detrimental to the welfare of the horse when misused and made to perform under the influence of the Drug.

- This is totally misleading statement with malicious intention on the part of Trainer Mr.S. Padmanabhan. The claim of Mr. S. Padmanabhan for this particular enquiry is absurd and doesn't serve any purpose. Trainer Mr.S. Padmanabhan cannot inform the stewards as to who should be present at the enquiry nor he can he object to anybody from sitting in the enquiry.

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This particular subject was discussed by the Stewards and a letter dated: 28.04.2023 was sent to Trainer Mr. S. Padmanabhan reading as follows:

"Dear Sir,

Sub: Your letter dated: 06.04.2023.

This is to inform you that your letter dated: 06.04.2023 was considered by the Stewards of the Club during the enquiry held on 06.04.2023. Taking into consideration the fact that you have attributed bias in the conduct of present Steward Mr. Arvind Raghavan and CVO Dr. R. Senthil Kumar sought them recusing themselves from the enquiry without any cogent or specific reasons to substantiate their alleged bias against you, the Stewards decided to reject your request and informed you about the same prior to conduct of the enquiry on 06.04.2023 which has been minuted accordingly.

This is for you kind information"

- The observations of Prof.Tobin Thomas (Page 4/16)(as submitted in his letter dated 06.04.2023)in his opinion are as follows:

Given the large number of concerns presented in the above summary analysis and opinions, we now present these concerns as a list of bullet points as below.

2.1 No sample collection documentation has been presented.

2.3 No Certificate of Analysis for the January 25th, 2023, sample has been presented.

2.6 The term "Illicit substance" is undefined.

2.7 The procedure followed in designating tiludronic acid as as "illicit substance" has not been presented.

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2.8 No evidence of notification of the Bangalore Turf Club racing community of the changed in regulatory status of tiludronic acid has been presented.

2.9 No evidence of notification of the Bangalore Turf Club racing community of changes in the testing procedures for tiludronic acid has been presented.

2.10 No justification presented for directions from the Bangalore Turf Club to the laboratory to test specific samples for tiludronic acid has been presented.

2.11 The specific Bangalore Turf Club rule of racing claimed broken by this unique sequence of events has been identified.

2.12 The claim that the sample taken from ADJUSTMENT on January 25th, 2023, was a "random" sample is not supported by the evidence presented in this matter.

2.13 Given these above listed numerous deficiencies in the data provided there is in my opinion no scientific or forensic basis whatsoever supportive of a violation of a rule of racing by the trainer in question in this matter.

Having not submitting sufficient/required information by the Trainer to Prof.Tobin Thomas, and Prof.Tobin Thomas stating deficiencies in the data is a clear incomplete statement/opinion on the case and this cannot be considered.

- a. The evidence of Notification of the Classification of Bisphosphonates (2.8) was circulated among the racing fraternity in the same way as done on earlier occasions.(Annexure-Notification).
- b. The Regulatory status for Bisphosphonates was issued under Rule 27(5) of the Medication rules of BTC on 19.6.2020 and the trainer acknowledged it on 10.10.2020 itself. It was on 18.12.2022 the classification of Bisphosphonates was released.
- c. Turf Authorities of India being signatory to International Federation of Horse racing Authorities (IFHA) and the Article 6 E is adopted by Turf Authorities of India which states as below as in Rule 27(5).The withdrawal period of 30days for a Horse to race after injection with Bisphosphonates is as per IFHA guidelines and BTC does not change its regulatory status as far as 30days period is concerned, before and after its notification. Therefore, it is only a presumption on the part of Prof.Tobin Thomas that the regulatory status of testing and reporting is changed.
- d. Prior to the Notification dated: 18.12.2022, the Bangalore Turf Club or Turf Authorities of India or International Federation of Horse racing Authorities

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- (IFHA) in which the Turf Authorities of India is a signatory, never communicated that *Tiludronic Acid* was regulated with Laboratory screening limits in Plasma. This is also a mere presumption by Prof.Tobin Thomas.
- e. The regulatory status is not changed and only the classification of the Bisphosphonates was notified.
 - f. The details are explained above.
 - g. The samples collected on 14th November 2022 is out of competition testing sample and its within 5 days post administration of *TiludronicAcid*.e., 9th November 2022.The blood and urine samples showing presence of *Tiludronic acid* was considered as legitimate administration during the course of enquiry and the trainer was not penalised for the same. The concentration of the TA is not required to be estimated as these are not substances tested with screening limits or threshold limits as per International standards and practice.
 - h. The trainer sought only the chain of custody of the samples as per his email dated 15.12.2022 and the same was replied through email dated 26.12.2022 by the Senior Stipendiary Steward. It is to be noted that no request has been made on the part of the trainer seeking relevant documents.
 - i.The Reply from Quantilab regarding accreditation is as follows...

2. What is Mauritas Accreditation ?.

"Accreditation is defined as the procedure by which an authoritative body gives formal recognition that a body or person is competent to carry out specific tasks. The key words from the above definition in the process of accreditation are "authoritative", formal recognition" and "Competent"

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function by assessing conformity assessment bodies (CAB's) to determine whether they are technically competent.

Thus, through accreditation MAURITAS builds and maintains confidence for the benefit of all interested parties.

6. *Whether QuantiLab requires Mauritas accreditation to test any specific substance on client request ?*

QuantiLab has an extensive scope of accreditation for equine matrices' testing. Bisphosphonates analysis is a new requirement not running routinely in laboratories for all equine samples. Only few clients ask for such analysis on an adhoc basis. QuantiLab will increase its scope in October 2023 and has applied for bisphosphonates analysis.

QuantiLab does NOT require Mauritas accreditation to test for any specific substance, we can test for any substance once the method is developed and validated with all quality safeguards as described in ILAC G7.

7. *Whether a bisphosphonates analysis report is valid without Mauritas accreditation?*

Yes, as all the quality measures as per ILAC G7 and AORC minimum criteria for confirmation of positive findings were met. We do not understand why the B sample was not tested to verify the findings of the primary laboratory.

8. *If the report is valid without Mauritas accreditation, they why was it mentioned under comments/ deviation ?.*

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It is a requirement of the ISO 17025 standard and MAURITAS to highlight such tests. This is an indication that such test may be reported.

9. *If the lab is accredited under ILAC, does it require Mauritas accreditation too, to test bisphosphonates ?*

The laboratory does not require accreditation to test for a substance, testing and reporting may be carried for a new class of compounds while accreditation comes in a later stage as it is a lengthy procedure"

j. It is clearly explained in the Medication Rules of the Bangalore Turf Club as far as definition of illicit substance (2.6) and the Notification issued by the Bangalore Turf Club Limited as far as classification of Bisphosphonates, both of which were not submitted to Prof.Tobin Thomas by the trainer for the reasons best known to him. It is surprising to note that Prof.Tobin Thomas was not aware of the Association of Racing Commissioners International (ARCI) guidelines in classifying Bisphosphonates as an Illicit Substance.

k. The Certificate of analysis from Quantilab was provided to the trainer even before the said charge sheet was issued and he is fully aware and agreed upon the correctness of the sample number. Hence No number sample claim is not encouraged. And the test report states Presence of *Tiludronic acid*.

l. The withdrawal period of 30 days post administration of Bisphosphonates stated here is adopted by Turf Authorities of India from International Federation of Horse racing Authorities (IFHA) and as per that guidelines the samples collected post race on 25th January 2023 is supposed to be absent from Bisphosphonates.However,the urine sample showed the presence of *Tiludronic acid*.

The fact that the horse participated in a Mock Race 22 days post administration of the drug despite advice by Dr.Hasneyn Mirza not to race for 5 weeks was concealed from Prof.Tobin Thomas by the trainer for the reasons best known to him.

m. The claim that *Tiludronic acid* remains detectable in plasma and urine for 3 years post administration is declined by the fact that both the Blood sample and urine sample taken postrace on 25th January 2023 did not detect the presence

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of *Tiludronic Acid*. *Tiludronic Acid* was detected only the in Urine sample, which is enough to prove that the claims made in the research article is inconclusive as on date. IFHA did not change its guidelines considering the Research paper or change the timeline for racing post administration of Bisphosphonates.

n. The test request for Bisphosphonates analysis in the Blood and Urine samples of Horse ADJUSTMENT collected on 25.1.2023 did not carry any specific instruction to test at the full limit of detection (LOD) as presumed by Prof. Tobin Thomas. The test request from Bangalore Turf Club Limited was provided by Quantilab as part of Analytical data and the trainer was in receipt of the same.

o. It is the discretion of the Stewards (Regulatory Authority) to decide on the selection (**2.10**) of the horse post a race and they are empowered as per the Medication Rule no.5.

p. The copy of the Notification was readily circulated in Whats app group "BTC OFFICIAL RELEASES" by BTC officials and the trainer himself is in the group.(copy circulated to KTA,KROA,LICENSED VETERINARY PRACTITIONERS,etc., and pasted on the NOTICE BOARD,)

q. The Trainer and not the Bangalore Turf Club limited entered, accepted and declared the Horse to run on 25.1.2023.

It is imperative to note that

i) Prof. Tobin Thomas not pointing out the basic rule that it is the duty and responsibility of trainer to present his horse free of prohibited /Illicit substances for a race as per the international rules of racing.

ii) Prof. Tobin Thomas did not mention anything about the detection of *Tiludronic Acid* in the Post race Urine sample collected on 25.1.2023. as the trainer did not present the certificate of analysis(2.3) of the sample taken .

Also it may be noted that the trainer did not attempt to seek the technical opinion from experts before accepting the horse to race nor requested Bangalore Turf club to test the sample before accepting to participate in a race to ensure that the horse is free from any drug, which any person of normal prudence would do.

As regards the opinion given by Tom Buckley, the Board of Appeal noted as follows:

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" Prof. Tom Buckley opinion

Pf. Was given only the certificate of analysis / analytical report from Quanti Lab and notification dated 18.12.2022 about bisphosphonates. However, Prof. Was not aware of circumstantial evidences found during enquiry. The order of the stewards was not presented to Professor for him to conclude the findings of the post race sample as per the notification. Prof. Tells about the withdrawal period recommended by the British Horse Racing Association and Scandinavian authorities. However, in the instant case the horse fulfilled the recommended withdrawal period as per the withdrawal period published by any authorities including BTC.

Prof. Tom Buckley did not take into consideration of the ARCI guidelines / BTC medication rules where an unclassified substance can be classified as per the existing procedure.

THE BOARD OF APPEAL TOOK ON RECORD THE WRITTEN GROUNDS OF APPEAL SUBMITTED BY TRAINER Mr. S. PADMANABHAN CONTAINING INTER ALIA THE RELEVANT OPINION OF CERTAIN PERSONS.

THE BOARD ALSO CONSIDERED THE VARIOUS POINTS REGARDING THE APPEAL TO ARRIVE AT A CONCLUSION.

THE BOARD OF APPEAL DECIDED ALL THESE POINTS UNDER REFERENCE WILL FORM PART OF THE MINUTES OF THE MEETING OF THE BOARD OF APPEAL OF 25TH JULY, 2023 AND 7TH AUGUST, 2023. THE SAME WILL BE ISSUED TO THE APPELLANT.

The Board considered the following points pertaining to the matters regarding the horse ADJUSTMENT trained by Mr.S. Padmanabhan.

The following points were carefully perused and taken on record.

1. Classification was sought from the Veterinary Commissioner, TAI as also ARCI.
2. The ARCI did not reply to the e-mail from the club, but through their website the guidelines were taken.
3. The horse was accepted to run on 25/01/2023 i.e., Race No.87, the Gateway of India Plate Div-I (about) 1400 meters.
4. At the meeting of the Stewards held on 23/01/2023 the Stewards have decided to permit the horse ADJUSTMENT to run on 25/01/2023 on the condition that,

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" this was done as a special case and without prejudice to the ongoing enquiry by the Stipendiary Stewards and further that the samples will be collected from the said horse after the race irrespective of its placing."

5. It was sampled and urine sample returned positive for TILUDRONIC ACID and blood sample returned negative.
6. According to the above rule the Calendar Notification dt.18/12/2022 clearly states that the classification of Bisphosphonates which are given below :

Notification

The Stewards of the Bangalore Turf Club Ltd. at their meeting held on 17.12.2022, have approved the classification of BISPHOSPHONATES (being a Restricted Therapeutic Drug) for incorporation in the Medication Rules of the Club with effect from 18.12.2022 as notified hereunder:-

CLASSIFICATION OF BISPHOSPHONATES (BEING A RESTRICTED THERAPEUTIC DRUG)

1. **As an ILLICIT SUBSTANCE** if it is detected in and out of competition or post race test sample in any of the following events:

- a) When it is detected in a sample of race horse younger than 3.5 years (as determined by its recorded date of birth).
- b) When such administration is without prior approval from the Regulatory Authority.
- c) When the Regulatory Authority has not received timely notification of its administration within 24 hours.
- d) When it is detected on a race day in a race horse older than 3.5 years (as determined by its recorded date of birth), if a 30-day withdrawal period has not been complied with.
- e) When there is no official diagnosis determined by a Veterinary surgeon that supports the use of Bisphosphonates as an appropriate treatment.
- f) When it is not administered in accordance with the product label instructions.
- g) When it is not administered by a Veterinarian.
- h) When such Bisphosphonates is not approved and registered for use in horses.

2. **Under Class 3** : If any Bisphosphonates approved for use in horses is detected in and out of competition or post race test sample, after fulfilling the specific requirements for the use under Medication Rule No.27(5).

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Notes: In all the above cases, the horse whose sample tested positive and is classified as an **ILLICIT SUBSTANCE**, will not be permitted to start in any race or Official trial until after an Illicit Substance Clearing Certificate is provided by Chief Veterinary Officer in respect of a sample taken from the horse on a date directed by the Stewards of the Club.

7. The horse ADJUSTMENT returned positive for illicit substance (TILUDRONIC ACID) and the horse was disqualified for the race.
8. The trainer through his private veterinarian has caused to be administered this drug (Bisphosphonates) TILUDRONIC ACID is attracted by Rule No.16 (a) & (b) of BTC Medication Rules states as follows :

16. *When a sample taken at any time from a horse trained by a Licensed*

Trainer has detected in it any Illicit Substance specified in Rule 14:

- (e) *The trainer and/or any other person who was in-charge of such horse at the relevant time is guilty of an offence and a disqualification of not less than 2 years must be imposed unless there is a finding that a special circumstances backed with evidence exists, in which case the penalty may be reduced;*
 - (f) *The horse may be disqualified from any race in which it has competed subsequent to the taking of such a sample found to contain an Illicit Substance.*
9. It may be noted that the administration of Bisphosphonates to his charge ADJUSTMENT is tantamount to violation of Rule No.202 (i) (c) of BTC Rules of Racing produced hereunder :

202 – Improper practice :-

The Stewards and/or the Stewards of the Club shall fine and/or punish and/or warn off and/or exclude and/or eject and/or disqualify and/or suspend or withdraw Licences, for any reason or reasons, from any race course or place where these Rules are in force, any of the following persons viz.:

- (i) *Any person who in their opinion has been guilty of any*
 - (a) *dishonest, corrupt,*
 - (b) *fraudulent, or*
 - (c) **improper practice or**
 - (d) *dishonourable action*

in connection with racing anywhere.

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10. The drug came under the category of Bisphosphonates as per the Calendar Notification of 18.12.2022 and the trainer was asked whether he would opt for the 'B' sample to be sent for confirmatory analysis from any one of the three reference labs as found in the BTC Racing Calendar but the trainer did not exercise the option to do so.
11. Since the trainer had asked for quantitative and qualitative analysis conducted by concerned lab, the trainer was informed that as per the reply from M/s. QuantiLab, Mauritius, Bisphosphonates are not substances with threshold or screening limit and as such quantitative analysis is not required.
12. However the lab added the detailed qualitative analysis report would follow when available. Subsequently the qualitative analysis together of the graphs was sent by the said lab and the same was forwarded to trainer Mr.S.Padmanabhan vide our e-mail dt.10/02/2023.
13. During the enquiry, trainer's assistant confessed that he approached the Chief Veterinary Officer requesting for the administration of the said drug as directed by his trainer on 01/11/2022. However, he confessed that CVO refused the administration. Then he approached Dr.Syed Naveed Ahmed, who also refused stating that there was no horse of his with confirmed diagnosis requiring administration of Tiludronic Acid. Then they approached Dr.Hasneyn for the same.
14. It is pertinent to note that, the services of the club veterinary officers were not utilised. When questioned, Dr.Kalamegam said that, the two vials of 10ml each of TILUDRONIC ACID was administered by him and the said vials were given by Assistant to Trainer Mr.Rishi.
15. Mr.Rishi, Assistant to Trainer stated during the enquiry that, the trainer had given him a sealed fresh box of vials containing 10 vials out of which 2 vials were administered to ADJUSTMENT and the balance vials were taken away by the trainer.
16. Mr.Rishi confessed that the trainer initially planned to give 6 vials for the said horse. However, it was stopped after the horse was sampled.
17. Whereas as per trainer's Log Book the horse was on rest on 12th November, 2022 and further, no work Log Book was maintained for any of your horses from 14/11/2022 to 28/11/2022. Therefore, how the horse was worked by the trainer on the said dates has no answer. The horse ran a Mock Race on 02/12/2022(22 days post last injection)and subsequently the horse pulled up lame following the race and was treated for the same. Thus the act of trainer in exhibiting the horse to perform without following the advice of treating Veterinarian Dr.Hasneyn Mirza not to race for 5 weeks(35 days) is clear violation of the THE PREVENTION OF

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CRUELTY TO ANIMALS ACT, 1960, CHAPTER I as it has compromised on the welfare and well-being of the horse.

"3. Duties of persons having charge of animals.—It shall be the duty of every person having the care or charge of any animal to take all reasonable measures to ensure the well-being of such animal and to prevent the infliction upon such animal of unnecessary pain or suffering."
And Performing Animals (Registration) Rules, 2001,8. General conditions for registration

"v. the owner shall ensure that any animal is not inflicted unnecessary pain or suffering before or during or after its training or exhibition"

Subsequently the horse ran on 25/01/2023 when the horse was under the influence of Bisphosphonates (TILUDRONIC ACID). Therefore, the trainer is responsible for negligence in the discharge of his duties vide Rule No.114 (b) (i) of Rules of Racing are produced below:-

114 (b) *In addition to or in lieu of any other penalties or punishments as may be laid down under these Rules of Racing, a Trainer may be fine, suspended or disqualified by the Stewards:-*

(i) *If his conduct or negligence or neglect in the performance of his duties as a licenced professional has led or could have led to a breach of the Rules of Racing;*

18.This substance has been termed an illicit substance. "Illicit substance" shall mean any substance which is prohibited and which are have legitimate use on horse and have high potential for abuse.

19.The trainer has not followed the procedures and principles for administration of substance in terms of the BTC Medication Rules.

20.The trainer has not maintained the Medication Log Book regularly, the part of which are produce in Rule No.19 as stated below :

Rule 19 of Medication Rules :-

A trainer must record in his log book (hand written) any medication or treatment administered to any horse in the Trainer's care by midnight on the day on which the administration was given.

(2) *For the purpose of this Rule, each record of administration must include the following information :-*

(o) the name of the horse ;

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- (p) the date and time of administration of the treatment or medication;
- (q) the name of the treatment or medication administered (brand name or active constituent);
- (r) the route of administration including by injection, stomach tube, paste, topical application or inhalation;
- (s) the amount of medication given (if applicable);
- (t) the duration of treatment (if applicable);
- (u) the name and signature of the person/s administering and/or authorizing the administration of the treatment or medication.

(4) Any person who breaches this Rule is guilty of an offence and may be penalized.

21. The trainer is responsible in terms of Rule No.20 for at least two years which he has not done, the same as stated below :

Rule 20 of Medication Rules :-

All records required to be kept in accordance with this Rule must be retained by the Trainer for at least 2 years.

22. According to the above rule the Calendar Notification dt.18/12/2022 clearly states that the classification of Bisphosphonates which are given below :

1. As an **ILLICIT SUBSTANCE** if it is detected in and out of competition or post race test sample in any of the following events :
 - b) When such administration is without prior approval from the Regulatory Authority.
 - c) When the Regulatory Authority has not received timely notification of its administration within 24 hours.
 - e) When there is no official diagnosis determined by a Veterinary surgeon that supports the use of a Bisphosphonates as an appropriate treatment.

FURTHER THE PENALTIES FOR OFFENCE - ILLICIT SUBSTANCES PROVIDED IN BTC MEDICATION RULES.

Any horse that tests positive for an ILLICIT SUBSTANCE including ANABOLIC STEROIDS AND SEX HORMONES, the Trainer and/or any other person so charged by the Stewards will be declared a Disqualified Person and suffer the following penalties;

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*1st infringement – Disqualification for a period of 2 years
2nd infringement – Disqualification for a period of 3 years;
3rd infringement – Warn-Off.*

The horse found positive for Anabolic Steroid(s)/Sex Hormone(s) shall not be permitted to race for a period of 180 days and such horse/s shall be subjected to testing for Anabolic Steroid(s) / Sex Hormone(s) before entering in a race and such entry shall not be accepted till such time the sample comes negative for anabolic Steroid(s) / Sex Hormone(s).

Any horse that tests positive for Illicit Substances which are covered under the separate list of drugs termed as "ILLICIT SUBSTANCES", the concerned Trainer shall be declared a disqualified person and the commencement of the punishment shall be with effect from the date of receipt of the respective report (Primary Analysis Report or confirmatory Analysis Report whichever is later).

23. The trainer's statements and also Assistant to Trainer Mr. Rishi's statements are very vague in nature as regards the administration of 2 vials that was supposed to have been administered to the horse ADJUSTMENT. In that where the Assistant to Trainer Mr. Rishi says the trainer bought a new pack of 10 vials of which 2 vials were used on this horse on 7th and 9th of November 2022. The trainer's statement that he brought it out of the old stock which was supplied by BTC in the year 2021 for use on two horses namely ART POWER and I AM THE SPOTLIGHT. The said two horses were given all 20 vials by Trainer as per BTC rules. This amounts to tendering false and misleading evidence Rule No.202 (vi) & (vii) of BTC Rules of Racing reading as follows:

202 (vi) *Any owner, nominator, trainer, jockey, lessee, apprentice, stable hand, bookmaker or bookmakers assistant or any person who either willfully refuses to attend and give evidence at an enquiry when requested by the Stewards/Stewards of the Club/Stipendiary Stewards to do so, or knowingly gives evidence which is false or misleading in any particular.*

(vii) *any person who gives at any enquiry or appeal any evidence which in their opinion is false or misleading in any manner.*

24. The trainer is bound by the Licensing condition as detailed below :

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Licensing conditions as framed in the Application for "A" / "B" Trainer's Licence :-

Licensing condition 1 :-

I have read all the relevant Rules of Racing, Medication Rules, Racing Calendar, the Rules of Track and Notices, Notifications, etc., which have been duly published and/or Notified by the B.T.C.Ltd., in the Racing Calendar from time to time. I have understood all the implications of the said Rules and Notices and accept the legality.

Licensing condition 3 :-

I undertake that the grant of such a Licence would be on an annual basis and I shall not claim or demand any right to renewal thereof. I further undertake that the issuance of this licence is liable to suspension and/or cancellation in the event of there being a breach on my part of the Rules and Notifications applicable to me.

Licensing condition 12 :-

I accept that as a licensee of the Club I have an obligation towards smooth conduct and administration of Racing and I shall not take any action or step which will have the effect of in any way disrupting or adversely affecting the activity of horse Racing at the BTC.

25. The evidence rendered by Trainer Mr. S. Padmanabhan and other connected people is very much binding on the depositions.
26. The horse ADJUSTMENT after its run in Race No: 87 of the Bangalore Winter Meeting 2022-23 run on 25-01-2023 had returned positive for illicit substance i.e. Tiludronic Acid in urine sample, However the blood sample was negative.
27. The fact that illicit substance has been found from the urine sample of the horse ADJUSTMENT is a gross violation of the Calendar Notification dated: 18-12-2022 issued by the Club.
28. The effect / efficacy of the prohibited substance on the performance of the horse is irrelevant to the implementation of the Rules i.e. Rules within the meaning of the BTC Medication Rules. Therefore, it is very clear that the horse ADJUSTMENT has tested positive after it ran second in Race No:87 of the Bangalore Winter Meeting held on 25-01-2023.
29. The Trainer is wrong to claim that Quanti Lab Mauritius is not qualified to conduct the test that claim of the trainer is totally repudiated by E-mails dated: 21.12.2022, 27.01.2023 and 09.02.2023 received from Quanti Lab Mauritius reading as follows:-

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"Email dated: 21.12.2023

Dear Dr. Kumar,

Please find below answers in RED to your queries:

6. Chain of custody of the sample from the time of collection till the completion of the analysis at the Quanti Lab, Mauritius.
- iv. Test Request form the Chief Veterinary Officer (CVO) of Bangalore Turf Club (BTC) was received on 14/11/2022.
- v. Acknowledgement receipt following examination of samples to ensure all seals intact upon arrival at Quanti Lab was sent to CVO of BTC on 24/11/2022.
- vi. Report following analysis of sample was sent to CVO of BTC on 02/12/2022.

"Email dated: 27.01.2023

Dear Sir,

Further to our earlier request, I write to remind you of the **Complete Qualitative Analysis report.**

Also in the foot note of Certificate of Analysis report Nos. P221124_88 and P221124_89 it is stated that **"Tests marked 'Not MAURITAS' accredited or (*) in this report are not included in the MAURITAS Accreditation Schedule for our laboratory"**

The Trainer sought clarification as to whether the lab is accredited to test Bisphosphonate as per this footnote.

Hence kindly clarify the same and also about the legal validity of the Certificate of Analysis for our reference at the earliest possible.

Thanking you,

Yours faithfully,

Email dated: 09.02.2023

Dear Dr Senthil,

Trust you are well.

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Please find attached the two analysis reports as well as below reply to your query:

QuantiLab is an internationally accredited laboratory according to ISO 17025:2017 (Full ILAC:G7 for horse racing laboratories.

Analysis of Bisphosphonates in equine urine and plasma is not done routinely in equine doping control laboratories, requests for screening and confirmation of bisphosphonates is done on adhoc basis by a few racing jurisdictions only and it is a novel analysis which has been recently developed and validated at QuantiLab. This method doesn't fall under our scope yet.

This year QuantiLab will apply for the extension of its scope of accreditation to include bisphosphonates analysis and meanwhile testing of bisphosphonates is carried here using all quality controls to ensure reliability of results according to ILAC:G7 and AORC guidelines for the minimum criteria for identification by chromatography and mass spectrometry.

Note: MAURITAS is the official accreditation body of Republic of Mauritius which is fully recognised by ILAC.

"In our opinion, our reports are defensible in court."

Hope the above clarifies you concern with regard to mail below.

Best regards
REKHA LOFUR
LIMS MANAGER
QUANTILAB"

30. The action of the trainer by not applying for challenging the disqualification of the horse for the said race does go to prove that the trainer is in agreement with the finding of the labs report declaring the horse has having been subjected to administration of an illicit substance. .
31. The Trainer totally committed a blunder by running his horse on 25th January 2023 without having the blood and urine sample of the horse ADJUSTMENT tested in his own interest. The Trainer Mr. S. Padmanabhan accepted the result of the disqualification of ADJUSTMENT from Race No: 87 on 25th January 2023 after the urine sample came positive for the presence of Illicit substance. Therefore, it is crystal clear that Trainer Mr.S. Padmanabhan is guilty of violation of BTC Medication Rules in either administering or causing to be administer the Illicit substance to his charge ADJUSTMENT is proved

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beyond doubt. This apart, the trainer Mr. S. Padmanabhan is liable for suitable action in terms of BTC Medication Rules which reads as follows:

32."PENALTIES FOR OFFENCE – ILLICIT SUBSTANCES

Any horse that test positive for an ILLICIT SUBSTANCE including ANABOLIC STEROIDS AND SEX HARMONES, the Trainer and / or any other person so charged by the Stewards will be declared a Disqualified Person and suffer the following penalties:

1st infringement - Disqualification for a period of 2 years

2nd infringement - Disqualification for a period of 3 years

3rd infringement – Warn – Off.

The horse found positive for Anabolic Steroid(s) / Sex Hormone (s) shall not be permitted to race for a period of 180 days and such horse/s shall be subjected to testing for Anabolic Steroid (s) / Sex Hormone(s) before entering in a race and such entry shall not be accepted till such time the sample comes negative for Anabolic Steroid (s) / Sex Hormone (s).

Any horse that tests positive for Illicit substance which are covered under the separate list of drugs termed as "ILLICIT SUBSTANCES" that concerned Trainer shall be declared a disqualified person and the commencement of the punishment shall be with effect from the date of receipt of the respective report (Primary Analysis Report or confirmatory Analysis Report whichever is later). "

33.The Board of Appeal noted that the evidence rendered by the Trainer and his Assistant in the earlier enquiries by different persons in the enquiry should also be taken into account, while dealing with this particular case under reference as they have relevance to this particular case.

34.Further during the enquiry the trainer stated that, he did not wish to elaborate other than his submissions dt.06/04/2023 given in writing. Even his assistant categorically said that, the horse returned positive in the second time is because of the treatment given to it in November 2022. Here again the statement given by his private veterinarian viz. Dr.Hasneyn Mirza goes against this.

35.The trainer through his private veterinarian has caused to be administered this drug (Bisphosphonates) TILUDRONIC ACID is attracted by Rule No.16 (a) & (b) of BTC Medication Rules states as follows :

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16. *When a sample taken at any time from a horse trained by a Licensed*

Trainer has detected in it any Illicit Substance specified in Rule 14:

- (a) *The trainer and/or any other person who was in-charge of such horse at the relevant time is guilty of an offence and a disqualification of not less than 2 years must be imposed unless there is a finding that a special circumstances backed with evidence exists, in which case the penalty may be reduced;*
- (b) *The horse may be disqualified from any race in which it has competed subsequent to the taking of such a sample found to contain an Illicit Substance.*

36. The Board of Appeal noted that the administration of Bisphosphonates to his charge ADJUSTMENT tantamount to violation of Rule No.202 (i) (c) of BTC Rules of Racing produced hereunder:

202 – Improper practice :-

The Stewards and/or the Stewards of the Club shall fine and/or punish and/or warn off and/or exclude and/or eject and/or disqualify and/or suspend or withdraw Licences, for any reason or reasons, from any race course or place where these Rules are in force, any of the following persons viz.:

- (i) *Any person who in their opinion has been guilty of any*
 - (a) *dishonest, corrupt,*
 - (b) *fraudulent, or*
 - (c) **improper practice or**
 - (d) *dishonourable action*

in connection with racing anywhere.

This apart, the administration of Bisphosphonates to his charge ADJUSTMENT by the Trainer is also a violation of the Medication Rules.

37. The drug came under the category of Bisphosphonates, the trainer was asked whether he would opt for the 'B' sample to be sent for confirmatory analysis from any one of the three reference labs as found in the BTC Racing

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Calendar but the trainer did not opt on his own. The reasoning given by the Trainer for not opting of the confirmation analysis is very strange.

38. Since the trainer had asked for quantitative and qualitative analysis conducted by concerned lab, the trainer was informed that as per the reply from M/s. QuantiLab, Mauritius, Bisphosphonates are not substances with threshold or screening limits and as such, quantitative analysis is not required.
39. However, the lab added the detailed qualitative analysis report would follow when available. Subsequently, the qualitative analysis together of the graphs was sent by the said lab and the same was forwarded to trainer Mr. S. Padmanabhan vide our e-mail dt. 10/02/2023.
40. During the enquiry, trainer's assistant confessed that he approached the Chief Veterinary Officer requesting for the administration of the said drug as directed by his trainer on 01/11/2022. However, he confessed that CVO refused the administration. Then he approached Dr. Syed Naveed Ahmed, who also refused stating that there was no horse of his with confirmed diagnosis requiring Tiludronic Acid administration. Then they approached Dr. Hasneyn for the same.
41. It is pertinent to note that, the services of the club veterinary officers were not utilised. When interrogated Dr. Kalamegam said that, the two vials of 10ml each of TILUDRONIC ACID was administered by him and said vials were given to him by Assistant to Trainer Mr. Rishi.
42. Mr. Rishi, Assistant to Trainer stated during the enquiry that, the trainer had given him a fresh sealed box of vials containing 10 vials out of which 2 vials were administered to ADJUSTMENT and the balance vials were taken away by the trainer.
43. Mr. Rishi confessed that the trainer initially planned to give 6 vials for the said horse. However, it was stopped after the horse was sampled.
44. The fact remains that the statement of the Mr. Rishi, Assistant to Trainer to Mr. S. Padmanabhan regarding the fresh box of vials, the trainer has in his possession injection in his stable (as per the Charge Sheet No: 818 dated: 25.01.2023) the trainer's intention of having administered or caused to be administered the drug to the said horse not through the Club's Veterinary Officer but through a private veterinarian point a finger on the Trainer's involvement in the whole episode.

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The Trainers knowledge of the administration of the said drug to the said horse to mask the pain suffered by the horse is quiet evident.

However, the fact that the Illicit substance has been administered or caused to be administered is proved beyond doubt and as per the rules it is the responsibility of the trainer to ensure that no illicit substance is administered or caused to be administered to his charge.

45. Whereas as per trainer's Log Book the horse was on rest on 12th November, 2022 and further no work Log Book maintained for any of your horses from 14/11/2022 to 28/11/202. Therefore, how the horse was worked by the trainer on the said dates remains unanswered. The horse ran a Mock Race on 02/12/2022. Subsequently the horse ran on 25/01/2023 when the horse was under the influence of Bisphosphonates (TILUDRONIC ACID). To that extent, the trainer is fully responsible for negligence in the discharge of his duties vide Rule No.114 (b) (i) of Rules of Racing are produced below:-

114 (b) *In addition to or in lieu of any other penalties or punishments as may be laid down under these Rules of Racing, a Trainer may be fine, suspended or disqualified by the Stewards:-*

(i) *If his conduct or negligence or neglect in the performance of his duties as a licenced professional has led or could have led to a breach of the Rules of Racing;*

46. This substance has been termed an illicit substance. Illicit substances meaning any substances which are prohibited and which are have legitimate use on horse and have high potential for abuse.

47. The trainer has not followed the procedures and principles for administration of substance in terms of the BTC Medication Rules.

48. The trainer has not maintained the Medication Log Book regularly, the part of which are produce in Rule No.19 as stated below :

Rule 19 of Medication Rules :-

A trainer must record in his log book (hand written) any medication or treatment administered to any horse in the Trainer's care by midnight on the day on which the administration was given.



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(1) For the purpose of this Rule, each record of administration must include the following information :-

- (a) the name of the horse ;
- (b) the date and time of administration of the treatment or medication;
- (c) the name of the treatment or medication administered (brand name or active constituent);
- (d) the route of administration including by injection, stomach tube, paste, topical application or inhalation;
- (e) the amount of medication given (if applicable);
- (f) the duration of treatment (if applicable);
- (g) the name and signature of the person/s administering and/or authorizing the administration of the treatment or medication.

(3) For the purpose of this Rule "medication" includes:-

- (a) all Controlled Drugs administered by an Approved Veterinarian;
- (b) all Prescription Animal Remedies;
- (c) all Prescription only Medicines, prescribed and/or dispensed by an Approved Veterinarian for off-label use;
- (d) all injectable medicines (intravenous, intramuscular, subcutaneous, intra-articular) not already referred to above;
- (e) all Pharmacist Only medicines;
- (f) all veterinary and other medicines containing other scheduled and unscheduled prohibited substances;
- (g) all herbal/ayurvedic preparations;
- (h) all homeopathic medicines.

(4) Any person who breaches this Rule is guilty of an offence and may be penalized.

49. The trainer is responsible in terms of Rule No.20 for at least two years which he has not done, the same as stated below :

Rule 20 of Medication Rules :-

All records required to be kept in accordance with this Rule must be retained by the Trainer for at least 2 years.

50. The trainer's statements and also Assistant to Trainer Mr.Rishi's statements are contradictory in nature as regards the administration of 2 vials that was supposed to have been administered to the horse ADJUSTMENT. In that where the Assistant to Trainer Mr.Rishi says the trainer bought a new pack of

Bangalore Turf Club Ltd.

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10 vials of which 2 vials were used on this horse on 7th and 9th of November 2022. The trainer's statement that he brought it out of the old stock which was supplied by BTC in the year 2021 for use on two horses namely ART POWER and I AM THE SPOTLIGHT. The said two horses were given all 20 vials by the Trainer. As per BTC rules this amounts to tendering false and misleading evidence by the Trainer under Rule No.202 (vi) & (vii) of BTC Rules of Racing which reads as follows:

202 (vi) Any owner, nominator, trainer, jockey, lessee, apprentice, stable hand, bookmaker or bookmakers assistant or any person who either wilfully refuses to attend and give evidence at an enquiry when requested by the Stewards/Stewards of the Club/Stipendiary Stewards to do so, or knowingly gives evidence which is false or misleading in any particular.

(vii) any person who gives at any enquiry or appeal any evidence which in their opinion is false or misleading in any manner.

51. The trainer is bound by the Licensing condition as detailed below :

Licensing conditions as framed in the Application for "A" / "B" Trainer's Licence :-

Licensing condition 1 :-

I have read all the relevant Rules of Racing, Medication Rules, Racing Calendar, the Rules of Track and Notices, Notifications, etc., which have been duly published and/or Notified by the B.T.C.Ltd., in the Racing Calendar from time to time. I have understood all the implications of the said Rules and Notices and accept the legality.

Licensing condition 3 :-

I undertake that the grant of such a Licence would be on an annual basis and I shall not claim or demand any right to renewal thereof. I further undertake that the issuance of this licence is liable to suspension and/or cancellation in the event of there being a breach on my part of the Rules and Notifications applicable to me.

Licensing Condition 12 :-

I accept that as a licensee of the Club I have an obligation towards smooth conduct and administration of Racing and I shall not take any

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action or step which will have the effect of in any way disrupting or adversely affecting the activity of horse Racing at the BTC.

The Trainer, whose charge is tested positive will be declared a disqualification person as under:

Note 1:

The above guidelines are for the liability of the Trainers, as he is wholly and solely responsible for the care, welfare and security of the horse/s under his charge, hence shall attract the punishment/penalties mentioned above for the detection of prohibited substances. If proof of actual involvement of Trainer in violating of any of these Rules is forthcoming to the satisfaction of the Stewards shall be entitled to take further action and for such period of time as they deem fit, without in anyway being limited by the above guidelines.

Therefore it is very clear that Trainer Mr. S. Padmanabhan breached various Rules of Racing / Calendar Notification / BTC Medication Rules / under taken given by him while applying for the trainer's license.

In the light of the above, the Board of Appeal having considered all the factors and after fully applying their mind discussing in detail and after detailed deliberations the Board of Appeal unanimously decided as follows:

- a) To reject the appeal dated: 21.07.2023 filed by Trainer Mr.S. Padmanabhan.
- b) Consequently to sustain the disqualification imposed on Trainer Mr.S. Padmanabhan and that therefore he shall be a disqualified person under BTC Rules of Racing for a period of two years i.e. from 24/11/2023 to 23/11/2025 [both day inclusive]
- c) To forfeit the appeal fee of Rs. 11, 800 [Inclusive GST] paid by Mr.S. Padmanabhan.

BY ORDER OF THE BOARD OF APPEAL



Kiran M.K.
SECRETARY

Date: 26th August, 2023