

Bangalore Turf Club Ltd.

CIN No: U99999KA1962PLC001449

Telephone : Office : 22262391/2/3/5,22140200
Secretary : 22261379
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BANGALORE -560 001

ORDER OF THE STEWARDS

Positive finding of illicit substance (CLENBUTEROL – β 2 Agonist) in the urine sample of 5 yr old b m THE GOLDEN DREAM trained by Mr. Sharat Kumar after it returned positive during the out of competition testing held on 29/7/2023. The illicit substance (CLENBUTEROL - β 2 Agonist) was also confirmed in the split urine sample which was sent for confirmatory analysis to LCH, France by its lab report no. C1627-1/20230915 dated 15/9/2023.

The Stewards at their meetings held on 23/9/2023 and the postponed meeting on 9/10/2023 and further postponed to 16/10/2023 considered the request by Trainer Mr. Sharat Kumar to allow him to be represented by a spokesperson, the Stewards acceded to his request:

The Stewards again at their meeting held on 16/10/2023 considered the request by Trainer Mr. Sharat Kumar to be represented by spokesperson Mr. Shehzad Abbas.

The Stewards considered the following:-

The Charge Sheet No.834 dated 21/9/2023 issued to Trainer Mr. Sharat Kumar by the Senior Stipendiary Steward pertaining to the positive finding of his 5 yr old b m THE GOLEDN DREAM which had returned positive for **(CLENBUTEROL – β 2 Agonist)**, an illicit substance during the out of competition testing held on 29/7/2023. The relevant rules of BTC the Rules of Racing and BTC Medication Rules and Charge Sheet is produced below:

**"BTC
CHARGE SHEET No: 834
Allegation of breach of the BTC Rules of Racing**

Venue : Bangalore Race No. NIL Date: 29/7/2023

Defendant : Mr. Sharat Kumar

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 m THE GOLDEN DREAM".**

Date: 21-9-2023

**Sd/
Sr. Stipendiary Steward"**

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Annexure to and forming a part of Charge Sheet No. 834 dated 21/9/2023.

You have Contravened Rules of Racing / Medication Calendar Notification under the heading "MEDICATION AND TREATMENT OF HORSES IN TRAINING AND RACING AND ANTI-DOPING CONTROL of Medication Rules".

In that your charge **b m THE GOLDEN DREAM** has tested positive for CLENBUTEROL ($\beta 2$ Agonist - Illicit Substance) during the out of competition testing on 29/7/2023 by the primary lab (The Quanti Lab, Mauritius) by its (Reports No. P230808_26 and P230808_26.1, dated 15th & 16th August, 2023, further you requested that the split urine sample may be sent for confirmatory analysis to Laboratoire Des Courses Hippiques (LCH), France which has also confirmed the presence of CLENBUTEROL ($\beta 2$ Agonist - Illicit Substance) along with its report No. C1627-1/20230915 dated 15/9/2023. Thus, you have breached Rules of Racing [Rule Nos. 202 (i) (b) (c) & (d), 202 (vi) & (vii), 202 (x) (a) & (b) and 114 (b) (I)], Medication Rules (Rule Nos. 6, 7, 12, 13 (a), (c), (d), (f), (g) & (h), 14 (point no. 13), 15, 16, 17, 18, 19 (1) & (2), 20, 21, 22, 23, 24, 25, 26 & 27 and also Penalties for Offence - under the heading "**ILLICIT SUBSTANCES**" of the Medication Rules reading as under:-

I) Rule No. 202 (i) (b) (c) & (d)

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.:*

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

II) Rule no. 202 (vi) & (vii)

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.*

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

III) Attempting to administer – 202 (x) (a)

202(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 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;

(b) Any person who uses or has in his possession, any electric or electronic apparatus or any other apparatus or any improper contrivance capable of affecting the performance of a horse in a race or training gallop.

IV) Rule No. 114 (b) (i) - dereliction of duty – police compliant- not conducting thorough enquiry in the stables - casual and lackadaisical approach.

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 fined, 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;

MEDICATION RULES

RULE No. 6

Only Veterinarians, duly approved by the Stewards of the Club are permitted to administer medicines. Except for such Veterinarians, it is forbidden for any other person to administer any medication or to bring a syringe or a hypodermic needle where racehorses are sheltered.

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RULE No.7

PROHIBITED SUBSTANCES: Prohibited Substances are substances capable at any time of causing an action or effect, or both an action and effect, within one or more of the following mammalian body systems:

1. The Nervous system;
2. The Cardiovascular system;
3. The Respiratory system;
4. The Digestive system;
5. The Urinary system;
6. The Reproductive system;
7. The Musculoskeletal system;
8. The Blood system;
9. The Immune system except for licensed vaccines against infectious agents;
10. The Endocrine system;
11. The Eyes and ears

RULE No.12

Any person who administers, or causes to be administered, to a horse any prohibited substance:-

- (i) for the purpose of affecting the performance or behaviour of a horse in a race or of preventing it's starting in a race; or
- (ii) which is detected in any sample taken from such horse prior to on race day or following the running of a race breaches these Rules and may be penalized.

RULE No. 13 (a), (c), (d), (f), (g) & (h)

Any person committing a breach of any of the practices mentioned below will be guilty of an offence under these Rules and shall be liable to penalty under these Rules.

The practices mentioned below are indicative and not exhaustive rule 13 (a), (c), (d), (f), (g) & (h):-

- (a) The use of any unapproved object, device, behavioural activity, or chemical to achieve an inappropriate response, at any time during training or racing;

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(c) Use of physical or veterinary procedures or medication treatments to mask the effects or signs of injury so as to allow training or racing to the detriment of the horse's health and welfare;

(d) Practices that are fraudulent, potentially fraudulent or may have adverse consequences for the integrity of the industry;

(f) All treatments are the responsibility of the Trainer and must be administered under veterinary supervision.

All treatments must be administered in the best interests of the horse and not to facilitate the continuation of training. In the case of substances controlled by Government regulation, these may only be administered by, or on the prescription of, an Approved Veterinarian;

(g) Any practice which jeopardizes the health and welfare of the horse and the integrity of the industry;

(h) An act of cruelty to a horse, or be in possession of any article or thing which, in the opinion of the Stewards, is capable of inflicting cruelty to a horse.

RULE No. 14 (13) : ILLICIT SUBSTANCES

For the purpose of these Rules, Illicit Substances means any substances which are prohibited and which have no legitimate use in horses and have high potential for abuse.

13. Anabolic agents including $\beta 2$ agonists (unless the substance is prescribed by a veterinarian as a bronchodilator at the appropriate dose,) and anabolic androgenic steroids (other than an anabolic androgenic steroid which is present at or below the relevant concentrations set out in Rule 8);

RULE No. 15

The Stewards of the Club, after notification in the Official Calendar, may determine at any time any alteration to the list of Illicit Substances in Rule 14.

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

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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.

RULE No. 17

Any person who has in his possession any substance or preparation that could give rise to an offence under Rule 14 if administered at any time to a horse at any time shall be guilty of an offence and may be penalised.

RULE No. 18.

If a sample taken at any time from a horse has detected in it an Illicit Substance, the horse is not permitted to start in any race or official trial:-

- (a) for a period of not less than 6 months from the date of the collection of the sample if detected for Anabolic Steroids and or sex hormone.

OR

- (b) until after an Illicit Substance Clearing Certificate is provided in respect of a sample taken from the horse on a date directed by the Stewards of The Club.

RULE No. 19

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.

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

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

RULE No. 20

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

RULE No. 21

When requested, a trainer must make available to the Stewards the record of any administration of a treatment and/or medication required under these Rules.

RULE No. 22

The aforesaid does not, in any way, derogate from the absolute nature of the prohibition in Rule 7. It is clarified that on finding of a positive result, the horse shall be disqualified from that race and necessary action will be as per rules.

RULE No. 23.

The Trainer shall always be responsible and accountable at all times for:-

- (a) The management, administration, supervision, security and control of horses and of stable employees under his/her charge;
- (b) The feeding, feed supplements, treatment, stable routine, management, protection and security of the horses in his/her stable;
- (c) For ensuring that only Veterinarians approved by the Stewards inject or otherwise treat horses in his/her care;
- (d) For ensuring that no person is employed as a stable employee in connection with any horse in his/her care unless such person holds a license from the appropriate Authority.

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RULE No. 24.

(1) A person must not, without the permission of the Stewards:-

(a) administer; or

(b) cause to be administered, any medication to a horse at any time on a race day prior to the commencement of a race in which the horse is engaged to race.

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

(2) The Stewards may order that a horse which has received a medication in breach of sub-rule (1) be scratched from a race engagement.

RULE No. 25

1) A person must not have in his or her possession or on his or her premises any medication, substance or preparation which has not been registered, labelled, prescribed, dispensed or obtained.

2) The Stewards may confiscate any medication, substance or preparation referred to in sub-rule (1), and use it as evidence in any inquiry, hearing or other proceeding under the Rules;

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

RULE No. 26

1) A person must not, without the written permission of the Stewards, have in his or her possession:-

a) on a racecourse where a race meeting is being conducted; or

b) in any motor vehicle, horse float or other mode of transport used for the purpose of transporting a horse/s to and/or from a race meeting, any prohibited substance, or a syringe, needle, naso-gastric tube (commonly known as stomach tube) or other instrument that could be used:-

i. to administer a prohibited substance to a horse; or

ii. to produce a prohibited substance in a horse.

2) The Stewards may at their discretion give written permission to a trainer on written application (and may impose terms or conditions on that permission) to have in his or her possession:

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a) on a racecourse where a race meeting is being conducted; or

b) in any motor vehicle, horse float or other mode of transport used for the purpose of transporting a horse/s to and/or from a race meeting, any prohibited substance or a syringe, needle, naso-gastric tube or other instrument that could be used:-

(i) to administer a prohibited substance to a horse; or

(ii) to produce a prohibited substance in a horse.

3) A person must comply with any term or condition imposed on any permission given by the Stewards under sub-rule (2);

4) Any substances or items related to this rule may be confiscated by the Stewards.

RULE No. 27. INJECTIONS AND MEDICATIONS PROHIBITED AT CERTAIN TIMES.

(1) A person must not, without the permission of the Stewards:-

(a) inject;

(b) cause to be injected;

(c) attempt to inject; or

(d) be a party to the injection or attempted injection of, a horse engaged to run in any race:

(i) at any time during the 72 hours prior to the scheduled race for any substance;

(ii) at any time during the 14 days prior to 12.00am on the day of the Scheduled race for corticosteroids administered intra-articularly.

(2) If a person breaches sub-rule 1 or the Stewards reasonably suspect that such a breach has been committed, they may order the scratching of the horse from the relevant race.

(3) If a person breaches sub-rule 1, but the horse competes in the race, the horse may be disqualified from the race.

(4) For the purposes of this rule:-

(a) "inject" includes, but is not limited to, the insertion of a hypodermic needle into a horse;

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(b) it is not necessary to establish whether any substance was injected, or the nature of any substance injected.

AND

"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).

Sd/-

Dated:21/9/2023

Sr. Stipendiary Steward"

- 1) The Written submissions made by Trainer Mr. Sharat Kumar dated 15-10-2023.
- 2) They examined Spokesperson Mr. Shehzad Abbas for Trainer Mr. Sharat Kumar.
- 3) The Oral submissions made by Spokesperson Mr. Shehzad Abbas for Trainer Mr. Sharat Kumar during the course of the Stewards Enquiry.
- 4) The gist of the oral representation made by Mr. Shehzad Abbas was noted by the Stewards.

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The Oral Submissions made by Spokesperson Mr. Shehzad Abbas is as follows:

- The trainer was innocent in this case.
- Although the trainer is responsible on account of vicarious responsibility he can be given sufficient leniency in awarding of punishment in that his Jamedar is responsible for keeping the drugs in the stable and has absconded as on date from the 25/8/2023.
- That the admissions of Jamedar will act as a mitigating factor for trainer Mr. Sharat Kumar.

The Stewards also noted the following:

1. The horse was sampled on 29/7/2023 and it had returned positive for (CLENBUTEROL – $\beta 2$ Agonist) during the out of competition testing.
2. (CLENBUTEROL – $\beta 2$ Agonist) is an illicit/prohibited substance.
3. The same was confirmed in the split urine sample which was sent for confirmatory analysis to LCH, France by its lab report no. C1627-1/20230915 dated 15/9/2023.
4. At the meeting of Stewards held on 9/10/2023 decided to re-schedule the meeting to 16/10/2023 as there was no spokesperson available for Trainer Mr. Sharat Kumar on the given date.
5. The 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.
6. The Stewards noted that the administration of (CLENBUTEROL – $\beta 2$ Agonist) to Trainer Mr. Sharat Kumar's charge 5 yr old b m THE GOLDEN DREAM tantamount to violation of [Rule Nos. 202 (i) (b) (c) & (d), 202 (vi) & (vii), 202 (x) (a) & (b) and 114 (b) (i)] of the BTC Rules of Racing and (Rule Nos. 6, 7, 12, 13 (a), (c), (d), (f), (g) & (h), 14 (point no. 13), 15, 16, 17, 18, 19 (1) & (2), 20, 21, 22, 23, 24, 25, 26 & 27 and also Penalties for Offence - under the heading "**ILLCIT SUBSTANCES**" of the Medication Rules .
7. This substance has been termed as an illicit substance. For the purpose of these Rules, Illicit substances shall mean any substances which are prohibited and which have no legitimate use in horses and have high potential for abuse.
8. The trainer has not followed the procedures and principles for administration of substance in terms of the BTC Medication Rules.

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9. The trainer has not maintained the Medication Log Book regularly and he is responsible in terms of Rule No.20 of the Medication rules to maintain the Medication Log Book, for at least two years which he has not done.

10. According to the Calendar Notification it clearly states that the classification of CLENBUTEROL – β 2Agonist is an **ILLICIT SUBSTANCE** in any of the following events :

"Anabolic agents including β 2 agonists (unless the substance is prescribed by a veterinarian as a bronchodilator at the appropriate dose,) and anabolic androgenic steroids (other than an anabolic androgenic steroid which is present at or below the relevant concentrations set out in Rule 8)".

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).

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).

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

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

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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.

12. 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 b m THE GOLDEN DREAM has tested positive.

Therefore, Trainer Mr.Sharat Kumar is guilty of violation of BTC Medication Rules in either administering or causing to be administer the Illicit substance to his charge THE GOLDEN DREAM is proved beyond doubt. This apart, the trainer Mr. Sharat Kumar is liable for suitable action in terms of BTC Medication Rules which reads as follows:

"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 as a "Disqualified Person" and suffer the following penalties:

- 1stinfringement - Disqualification for a period of 2 years*
- 2ndinfringement - Disqualification for a period of 3 years*
- 3rd infringement – Warn – Off.*

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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). "

As regards the submissions made by Spokesperson Mr. Shehzad Abbas on behalf of Trainer. The Stewards decided that already the matter has been hanging fire for more than 2 months and Jamedar who could not be reportedly traced till today and further, whose submissions was of little consequence to the case concerned the additional time as requested by the Spokesperson of the trainer needed not be acceded too.

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

- a) To declare Trainer Mr. Sharat Kumar as a "Disqualified Person" under the BTC Rules of Racing for a period of two years i.e. **26/10/2023 to 25/10/2025 [both days inclusive]** for Contravention of [Rule Nos. 202 (i) (b) (c) & (d), 202 (vi) & (vii), 202 (x) (a) & (b) and 114 (b) (i)], in Medication Calendar Notification (Rule Nos. 6, 7, 12, 13 (a), (c), (d), (f), (g) & (h), 14 (point no. 13), 15, 16, 17, 18, 19 (1) & (2), 20, 21, 22, 23, 24, 25, 26 & 27 and also Penalties for Offence for his charge 5 yr old b m THE GOLDEN DREAM testing positive for ILLICIT SUBSTANCE.
- b) That the horse 5 yr old b m THE GOLDEN DREAM will be **permitted to run** only after having tested negative for the presence of any ILLICIT SUBSTANCE **after a period of 6 months.**
- 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)

20-10-2023

PUBLISHED BY THE ORDER OF THE STEWARDS

Bangalore Turf Club Ltd.

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ORDER OF THE STEWARDS

Inventory of Trainer Mr. Sharat Kumar Stables conducted on 16/8/2023.

The Stewards at their meetings held on 23/9/2023 and the postponed meeting on 9/10/2023 & further postponed to 16/10/2023 considered the charge sheet No.835, dated 3/10/2023 and the annexure thereto issued to Trainer Mr.Sharat Kumar.

"BTC CHARGE SHEET No: 835 Allegation of breach of the BTC Rules of Racing

Venue : Bangalore **Race No.** Nil **Date:** 16-8-2023

Defendant : Mr. Sharat Kumar

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)

Date: 3-10-2023 **Sd/-
Sr. Stipendiary Steward"**

Annexure to and forming a part of Charge Sheet No. 835 dated 03.10.2023 issued to Trainer Mr. Sharath Kumar. (Stable Inventory)

In that your charge **b m THE GOLDEN DREAM** has tested positive for CLENBUTEROL (β 2 Agonist - Illicit Substance) during the out of competition testing on 29/7/2023 by the primary lab (The Quanti Lab, Mauritius) by its (Reports No. P230808_26 and P230808_26.1, dated 15th & 16th August, 2023, further you requested that the split urine sample may be sent for confirmatory analysis to Laboratoire Des Courses Hippiques (LCH), France which has also confirmed the presence of CLENBUTEROL (β 2 Agonist - Illicit Substance) along with its report No. C1627-1/20230915 dated 15/9/2023. Thus, the report of the presence of Illicit Substance CLENBUTEROL (β 2 Agonist) was received by us, stable inventory was

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conducted by the Senior Stipendiary Steward and Chief Veterinary Officer on 16.08.2023. The following materials were found in your stable.

Sl.No	Items.
1	Clenpulmin injection 50 ml vial
2	Artizone S injection
3	Tonophosphan vet injection
4	Neuroxin M injection
5	Ascorbic acid injection
6	Mercuric iodide red 100 g
7	Dispovan syringe 20 ml
8	Dispovan syringe 10 ml
9	Hypodermic needles
10	Empty vials of Clenpulmin 50 ml

You have contravened Rules of Racing and Medication Rules under BTC Rules more clearly elaborated here under:

I) The action of yours in unauthorisingly keeping the above stuff in your stable is a fraudulent, improper practice or dishonourable action. Thereby, contravening the following rules.

Rule No. 202 (i) (b) (c) & (d)

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.:*

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

II) The Statement made by you effect that the drugs were found in the your stables by the Jamedar at the instance of someone else defines any logic and it is clearly establish that you have been responsible for giving false and misleading evidence during the enquiry by the enquiry officers. This guilty of Contravention of Rule No. 202 (vi) & (vii) of the BTC Rules of Racing is reproduced below:-

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Rule no. 202 (vi) & (vii)

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.

III) The drugs detected during the stable inventory by the concerned officials clearly shows that you are guilty of contravening Rule No. 202 (x) (a) & (b) of the BTC Rules of Racing is reproduced below:-

Attempting to administer – 202 (x) (a) & (b)

202(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 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;

(b) Any person who uses or has in his possession, any electric or electronic apparatus or any other apparatus or any improper contrivance capable of affecting the performance of a horse in a race or training gallop.

IV) These drugs were found in your stables on 16/8/2023, it has been observed that you are guilty of the following actions:-

- The Jamedar Mr. Zakir working under you, stated before the officials at the time of stable inventory that these drugs were kept for the use at your instance and at your instructions. The drug Clenpulmin injection containing clenbuterol in the drug detected in the urine sample of your horse. The drug has been kept by you in your possession. Your statement that it has been kept by the Jamedar at the instance of somebody else is not acceptable. The Assistant Trainer and the Jamedar is in your employment for a decade or so it is hard to believe that this is an one time incident.

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- *You have failed to conduct your thorough enquiry as to how these are kept by the stable staff working under you.*
- *You have not bothered to lodge a police complaint if you are suspecting a Jamedar, although the Jamedar according to you was with you till 25th of August, 2023.*
- *In such a serious thing has happened in the stable you have not bothered to contact either the Senior Stipendiary Steward and Chief Veterinary Officer as to the usage of the drugs.*
- *On the whole, your attitude in stable management is callous and totally unmindful of the consequence.*

All the above acts of your definitely pointing a finger at you contravening Rule No. 114 (b) (i) as detailed below:

Rule No. 114 (b) (i) - dereliction of duty - police compliant- not conducting thorough enquiry in the stables - casual and lackadaisical approach.

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 fined, 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;

V) You have not logged any medications given in your stable and thus, you have Contravened Rule No. 6 of the BTC Medication Rules as detailed below:

RULE No. 6

Only Veterinarians, duly approved by the Stewards of the Club are permitted to administer medicines. Except for such Veterinarians, it is forbidden for any other person to administer any medication or to bring a syringe or a hypodermic needle where racehorses are sheltered.

VI) The drug has the effect of within one or more of the following mammalian bodies System viz;

The Respiratory System.

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VII) In absence of any proof otherwise, it is to be concluded that you have administered or causes to be administered, thereby attracting Rule No. 12 of the BTC Medication Rules as detailed below:

RULE No.12

Any person who administers, or causes to be administered, to a horse any prohibited substance:-

- (i) for the purpose of affecting the performance or behaviour of a horse in a race or of preventing it's starting in a race; or
- (ii) which is detected in any sample taken from such horse prior to on race day or following the running of a race breaches these Rules and may be penalized.

VIII) By your action, you have contravened the following Rules:

RULE No. 13 (a), (c), (d), (f), (g) & (h)

Any person committing a breach of any of the practices mentioned below will be guilty of an offence under these Rules and shall be liable to penalty under these Rules.

The practices mentioned below are indicative and not exhaustive rule 13 (a), (c), (d), (f), (g) & (h):-

- (a) The use of any unapproved object, device, behavioural activity, or chemical to achieve an inappropriate response, at any time during training or racing;
- (c) Use of physical or veterinary procedures or medication treatments to mask the effects or signs of injury so as to allow training or racing to the detriment of the horse's health and welfare;

(d) Practices that are fraudulent, potentially fraudulent or may have adverse consequences for the integrity of the industry;

(f) All treatments are the responsibility of the Trainer and must be administered under veterinary supervision.

All treatments must be administered in the best interests of the horse and not to facilitate the continuation of training. In the case of substances controlled by Government regulation, these may only be administered by, or on the prescription of, an Approved Veterinarian;

(g) Any practice which jeopardizes the health and welfare of the horse and the integrity of the industry;

(h) An act of cruelty to a horse, or be in possession of any article or thing which, in the opinion of the Stewards, is capable of inflicting cruelty to a horse.

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IX) You have contravened Rule No. 14 (13) of the BTC Medication Rules as detailed below:

RULE No. 14 (13) : ILLICIT SUBSTANCES

For the purpose of these Rules, Illicit Substances means any substances which are prohibited and which have no legitimate use in horses and have high potential for abuse.

13. Anabolic agents including β 2 agonists (unless the substance is prescribed by a veterinarian as a bronchodilator at the appropriate dose,) and anabolic androgenic steroids (other than an anabolic androgenic steroid which is present at or below the relevant concentrations set out in Rule 8).

X) By virtue of your actions, you have contravened Rule No. 16 of the BTC Medication Rules as detailed below:

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.

XI) You have not maintained the log book even hand written and you are attracted by Rule No. 19 (1) of the BTC Medication Rules as detailed below:

RULE No. 19

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);

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- (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.

XII) You have not maintained the mandatory records, thus you are attracting Rule No. 21 of the BTC Medication Rules as detailed below:

RULE No. 21

When requested, a trainer must make available to the Stewards the record of any administration of a treatment and/or medication required under these Rules.

XIII) As a trainer you hold the vicarious responsibility the stable management which you have not done in the present case, thus attracting Rule No. 23 of the BTC Medication Rules as detailed below:

RULE No. 23.

The Trainer shall always be responsible and accountable at all times for:-

- (a) The management, administration, supervision, security and control of horses and of stable employees under his/her charge;
- (b) The feeding, feed supplements, treatment, stable routine, management, protection and security of the horses in his/her stable;
- (c) For ensuring that only Veterinarians approved by the Stewards inject or otherwise treat horses in his/her care;
- (d) For ensuring that no person is employed as a stable employee in connection with any horse in his/her care unless such person holds a license from the appropriate Authority.

XIV) You have maintaining these drugs, vials, injections, etc., you have contravened Rule No. 25 of the BTC Medication Rules as detailed below:

RULE No. 25

- 1) A person must not have in his or her possession or on his or her premises any medication, substance or preparation which has not been registered, labelled, prescribed, dispensed or obtained.
- 2) The Stewards may confiscate any medication, substance or preparation referred to in sub-rule (1), and use it as evidence in any inquiry, hearing or other proceeding under the Rules;
- 3) Any person who breaches this Rule is guilty of an offence and may be penalized.

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XV) By means of the product, it has been found in the inventory detected into your stables, it may be observed that you have only administered or causes to be administered the said drugs. Thereby, violating the Rule No. 27 of the BTC Medication Rules as detailed below:

RULE No. 27. INJECTIONS AND MEDICATIONS PROHIBITED AT CERTAIN TIMES.

(1) A person must not, without the permission of the Stewards:-

- (a) inject;
- (b) cause to be injected;
- (c) attempt to inject; or
- (d) be a party to the injection or attempted injection of, a horse engaged to run in any race:
 - (i) at any time during the 72 hours prior to the scheduled race for any substance;
 - (ii) at any time during the 14 days prior to 12.00am on the day of the scheduled race for corticosteroids administered intra-articularly.

(2) If a person breaches sub-rule 1 or the Stewards reasonably suspect that such a breach has been committed, they may order the scratching of the horse from the relevant race.

(3) If a person breaches sub-rule 1, but the horse competes in the race, the horse may be disqualified from the race.

(4) For the purposes of this rule:-

(a) "inject" includes, but is not limited to, the insertion of a hypodermic needle into a horse;

(b) it is not necessary to establish whether any substance was injected, or the nature of any substance injected.

By keeping such drugs for the purpose of being administered to your horses, you are guilty of being attracting by the provisions under BTC Medication Rules.

Thus you have contravened various provisions under BTC Rules of Racing and BTC Medication Rules for which suitable action as deemed fit by the Stewards shall be taken against you.

Dated:03/10/2023

**Sd/-
Sr. Stipendiary Steward**

**Sd/-
Trainer
Sharath Kumar**

**Sd/-
Advisor Racing"**

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The Stewards of the Bangalore Turf Club Ltd., considered the following:-

1. The Charge Sheet No: 835 dated 3/10/2023 issued to Trainer Mr. Sharat Kumar with relevant Annexures attached thereto, together with the submissions made by the concerned before the enquiry officer during their preliminary enquiry.
2. The submissions made by Spokesperson Mr. Shehzad Abbas wherein he said that he did not wish to add much to his submissions made before the Stewards at the time of the earlier hearing by the Stewards in respect of Charge sheet No. 834 dated 21/9/2023 issued to Trainer Mr. Sharat Kumar except stating this Trainer Mr. Sharat Kumar was innocent and that the Jamedar Mr. Zakir Alam was the culprit.
3. The opinion of the enquiry officers on this issue.
4. The Stewards also noted that Trainer Mr. Sharat Kumar had admitted during the enquiry that the following were found in his stables and he was vicariously responsible for the possession of the same.

Sl.No	Items.
1	Clenpulmin injection 50 ml vial
2	Artizone S injection
3	Tonophosphan vet injection
4	Neuroxin M injection
5	Ascorbic acid injection
6	Mercuric iodide red 100 g
7	Dispovan syringe 20 ml
8	Dispovan syringe 10 ml
9	Hypodermic needles
10	Empty vials of Clenpulmin 50 ml

After considering all of the above, giving a full opportunity to Mr. Shehzad Abbas (Spokesperson for Trainer Mr. Sharat Kumar) to make detailed oral and written submissions and after fully applying their mind to the whole issue, the Stewards unanimously concluded that Trainer Mr. Sharat Kumar was "Guilty" of violating [Rule Nos. 202 (i) (b) (c) & (d), 202 (vi) & (vii), 202 (x) (a) & (b) and 114 (b) (i)], in Medication Calendar Notification (Rule Nos. 6, 12, 13 (a), (c), (d), (f), (g) & (h), 14 (point no.13), 16, 19 (1), 21, 23, 25 & 27 of the Medication Rules pertaining to the stable inventory and licensing condition in the application for "A" / "B" Trainer's Licence under BTC Rules of Racing thereafter they decided as under:

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

- a) To declare Trainer Mr. Sharat Kumar as a "Disqualified Person" under the BTC Rules of Racing for a further period of one year i.e., from **26/10/2025 to 25/10/2026 [both days inclusive]** for violating [Rule Nos. 202 (i) (b) (c) & (d), 202 (vi) & (vii), 202 (x) (a) & (b) and 114 (b) (i)], in Medication Calendar Notification (Rule Nos. 6, 12, 13 (a), (c), (d), (f), (g) & (h), 14 (point no.13), 16, 19 (1), 21, 23, 25 & 27 of the Medication Rules pertaining to the stable inventory.
- b) 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)

20-10-2023

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ORDER OF THE STEWARDS

Inventory of Trainer Mr. Sharat Kumar's Stables conducted on 16/8/2023.

The Stewards at their meeting held on 16th October, 2023, considered the charge sheet No.836, dated 3-10-2023 and the annexure thereto issued to Assistant Trainer Mr. Majid Khan.

"BTC CHARGE SHEET No: 836 Allegation of breach of the BTC Rules of Racing

Venue : Bangalore **Race No.** Nil **Date:** 16-8-2023

Defendant : Mr. Majid Khan

Designation : Assistant 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

Date: 3-10-2023

**Sd/-
Sr. Stipendiary Steward"**

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Annexure to and forming part of the Charge Sheet No. 836 dated 03.10.2023 issued to Mr. Majid Khan, Assistant Trainer under Trainer Mr. Sharat Kumar.

You are working as Asst. Trainer under Trainer Mr. Sharath Kumar under the BTC Rules of Racing. On 16th August 2023 inventory was made on Stable of Trainer Mr. Sharath Kumar THE GOLDEN DREAM. 5 yr old and over has tested positive in out of competition testing on 29th July 2023. Based on that you were summoned to appear before the enquiry officers and you were enquired by the Enquiry Officers on Friday 8th, September 2023.

Arising out of the stable inventory and based on the preliminary enquiry conducted by the enquiry officers the following points have emerged. Hence this Charge Sheet.

- 1) The horse of Trainer Mr. Sharath Kumar by name b.m. THE GOLDEN DREAM, 5 yr old and over has tested positive in out of competition testing on 29th July 2023.
- 2) The horse returned positive for an illicit substance i.e. [Clenbuterol β 2 Agonist] even in the confirmatory analysis.
- 3) From the enquiry conducted the following materials were seized from the stable of Trainer Mr. Sharath Kumar.

Sl.No	Items.
1	Clenpulmin injection 50 ml vial
2	Artizone S injection
3	Tonophosphan vet injection
4	Neuroxin M injection
5	Ascorbic acid injection
6	Mercuric iodide red 100 g
7	Dispovan syringe 20 ml
8	Dispovan syringe 10 ml
9	Hypodermic needles
10	Empty vials of Clenpulmin 50 ml

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- 4) It may be noted that the horse THE GOLDEN DREAM returned positive for the substance namely [CLENBUTEROL β 2 Agonist] and more fully described in point number 13 of the list of the illicit substances which is reproduced here under:

"Anabolic agents including β 2 agonists (unless the substance is prescribed by a Veterinarian as a bronchodilator at the appropriate dose,) and anabolic androgenic steroids (other than an anabolic androgenic steroids which is present at or below the relevant concentrations set out in Rule 8);

- 5) You have been acting as Assistant for more than twelve years.
- 6) As a Assistant Trainer this items that were detected during the enquiry by the Senior Stipendiary Steward and Chief Veterinary Officer on 16th August 2023 confirms that you are very much knowledgeable as to the existence of the items confiscated in the stable premises. This a fraudulent, improper practice and dishonourable action within the meaning of Rule No 202 (i),(b),(c) (d) as detailed below:

I) Improper Practice 202 (i) (b) (c) & (d)

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.:*

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

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- 7) The statement emanating from the incident of inventory checking proves that you are very much aware of the existence of these items. But this cannot be an one time incident. Someone had been keeping other things i.e. the above said stuff in your stable on regular basis. But during the enquiry by enquiry officers you denied knowledge of the same. This act of yours amounts to tendering false and misleading evidence in terms of Rule No: 202 (vi) & (vii) of BTC Rules of Racing which is reproduced below:

II) Rule no. 202 (vi) & (vii)

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.*

- 8) Your statement to the effect before the Enquiry Officers to the effect that:
- about the ignorance of you to the Enquiry Officers during the enquiry;
 - your statement that you only occasionally observe the work of the horses in the absence of Trainer;
 - the non-lodging of police complaint against the Jamedar, who was with you people according to your own statement;
 - Your statement that you are unaware of horses returning positive;

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BANGALORE -560 001

(e) your ignorance in the stable management and happening in the stable affairs, all have culminated in our concluding that you are not acting as Asst. Trainer thereby you have derelicted your duties and responsibilities has proved, you have totally violated condition No:4 of our letter dated: 7th July 2023, reading as follows:

" You are informed to be well versed with the Rules of Racing under BTC Rules and Regulation regarding racing including Racing Calendar and Norms and no excuse whatsoever will be entertained for any lapse on your part as on Assistant Trainer"

9)In all you have an callous attitude towards your profession as an Assistant Trainer.

Dated: 3/10/2023

Sd/-
Asst. Trainer
(Majid Khan)

Sd/-
Racing Advisor

Sd/-
Sr. Stipendiary Steward"

The Stewards of the Bangalore Turf Club Ltd., considered the following:-

1. The Charge Sheet No: 836 dated 3-10-2023 issued to Assistant Trainer Mr. Majid Khan with relevant Annexures attached thereto, together with the submissions made by the concerned before the enquiry officer during their enquiry.
2. The submissions made by Assistant Trainer Mr. Majid Khan during the enquiry held by the Stewards.
3. The opinion of the enquiry officers on this issue.

Bangalore Turf Club Ltd.

CIN No: U99999KA1962PLC001449

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After considering all of the above, giving full opportunity to Mr. Majid Khan (Assistant trainer to Trainer Mr. Sharat Kumar) to make detailed submissions and after fully applying their mind to the whole issue, the Stewards unanimously concluded that Assistant Trainer Mr. Majid Khan was "Guilty" as charged in the matter of violating Rule Nos. 202 (i) (b) (c) & (d) and 202 (vi) & (vii) of the B.T.C. Rules of Racing and for his grave dereliction of duties as an Assistant Trainer thereafter they decided as under:

- To suspend the assistant trainer's licence granted to Mr. Majid Khan w.e.f **26th October, 2023 to 25th April, 2024 (both days inclusive)** for violating Rule Nos. 202 (i) (b) (c) & (d) and 202 (vi) & (vii) of the B.T.C. Rules of Racing.
- He was informed of his right to appeal before the BTC Board of Appeal within the frame work of BTC Rules of Racing.

Sd/- T. RAMAN (Advisor Racing)

Sd/- G. RAVI SHANKAR

(Sr. Stipendiary Steward)

20-10-2023

PUBLISHED BY THE ORDER OF THE STEWARDS"