

Bangalore Turf Club Ltd.

CIN No: U99999KA1962PLC001449

Telephone : Office : 22262391/2/3/5,22140200
Secretary : 22261379
Fax : 91-80-22206372
e-mail : secretary@btcraces.com
secbtc@yahoo.com

POST BOX NO. 5038
52, RACE COURSE ROAD
BANGALORE -560 001

ORDER OF THE BOARD OF APPEAL

Positive finding of illicit substance (CLENBUTEROL - β 2 Agonist) in the urine sample of 6 yrs old dk b g EXTRAORDINARY trained by Mr. Sharat Kumar after it returned positive during the out of competition testing held on 15/8/2023. 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. C1632 - 1/20231020 dated 21/10/2023.

The Board of Appeal of Bangalore Turf Club Ltd., at its meetings held on 27th January, 2024 considered the appeal dated 9/12/2023 against the decisions of the Stewards at their meeting held on 7/12/2023 in disqualifying him under BTC Rules of Racing from 26/10/2026 to 25/10/2029 [Both days inclusive] for contravention of BTC Rules of Racing and BTC Medication Calendar Notification in respect of his charge dk b g EXTRAORDINARY during out of competition testing on 15/8/2023.

1. In this connection, the Board considered the following:
 - a) The Minutes of meeting of the Stewards dated 7/12/2023 together with all enclosures;
 - b) Appeal letter dated 9/12/2023 by Trainer Mr. Sharat Kumar;
 - c) Written Grounds of Appeal dated 17/1/2024 filed by Trainer Mr. Sharat Kumar;
 - d) The oral submissions made by Mr. Shehzad Abbas (Spokesperson) for Trainer Mr. Sharat Kumar and Trainer Mr. Sharat Kumar himself 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. Sharat Kumar;
 - h) Order of the Stewards reading as under:

Bangalore Turf Club Ltd.

CIN No: U99999KA1962PLC001449

Telephone : Office : 22262391/2/3/5,22140200
Secretary : 22261379
Fax : 91-80-22206372
e-mail : secretary@btcraces.com
secbtc@yahoo.com

POST BOX NO. 5038
52, RACE COURSE ROAD
BANGALORE -560 001

"ORDER OF THE STEWARDS"

Positive finding of illicit substance (CLENBUTEROL - β 2 Agonist) in the urine sample of 6 yrs old dk b g EXTRAORDINARY trained by Mr. Sharat Kumar after it returned positive during the out of competition testing held on 15/8/2023. 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. C1632 - 1/20231020 dated 21/10/2023.

The Stewards at their meeting held on 7/12/2023 considered the following:-

The Charge Sheet No.837 dated 27/11/2023 issued to Trainer Mr. Sharat Kumar by the Senior Stipendiary Steward pertaining to the positive finding of his 6 yrs old dk b g EXTRAORDINARY which had returned positive for **(CLENBUTEROL - β 2 Agonist)**, an illicit substance during the out of competition testing held on 15/8/2023. The relevant rules of BTC the Rules of Racing and BTC Medication Rules and Charge Sheet is produced below:

"BTC CHARGE SHEET No: 837 Allegation of breach of the BTC Rules of Racing"

Venue : Bangalore Race No. NIL Date: 15/8/2023

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) as the trainer of dk b g "EXTRAORDINARY".

Date: 27-11-2023

**Sd/
Sr. Stipendiary Steward"**



Bangalore Turf Club Ltd.

CIN No: U99999KA1962PLC001449

Telephone : Office : 22262391/2/3/5,22140200
Secretary : 22261379
Fax : 91-80-22206372
e-mail : secretary@btcraces.com
secbtc@yahoo.com

POST BOX NO. 5038
52, RACE COURSE ROAD
BANGALORE -560 001

Annexure to and forming a part of Charge Sheet No.837 dated 27/11/2023.

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 **dk b g EXTRAORDINARY** has tested positive for CLENBUTEROL ($\beta 2$ Agonist - Illicit Substance) during the out of competition testing on 15/8/2023 by the primary lab (The Quanti Lab, Mauritius) by its Reports No. P230823_28 and P230823_28.1, dated 5th September, 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) vide its report No. C1632-1/20231020 dated 21/10/2023. 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.*

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

Bangalore Turf Club Ltd.

CIN No: U99999KA1962PLC001449

Telephone : Office : 22262391/2/3/5,22140200
Secretary : 22261379
Fax : 91-80-22206372
e-mail : secretary@btcraces.com
secbtc@yahoo.com

POST BOX NO. 5038
52, RACE COURSE ROAD
BANGALORE -560 001

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 (No FIR) - 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.

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;

Bangalore Turf Club Ltd.

CIN No: U99999KA1962PLC001449

Telephone : Office : 22262391/2/3/5,22140200
Secretary : 22261379
Fax : 91-80-22206372
e-mail : secretary@btraces.com
secbtc@yahoo.com

POST BOX NO. 5038
52, RACE COURSE ROAD
BANGALORE -560 001

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;
- (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;

Bangalore Turf Club Ltd.

CIN No: U99999KA1962PLC001449

Telephone: Office : 22262391/2/3/5,22140200
Secretary : 22261379
Fax : 91-80-22206372
e-mail : secretary@btcraces.com
secbtc@yahoo.com

POST BOX NO. 5038
52, RACE COURSE ROAD
BANGALORE -560 001

(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 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. 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:-

Bangalore Turf Club Ltd.

CIN No: U99999KA1962PLC001449

Telephone : Office : 22262391/2/3/5,22140200
Secretary : 22261379
Fax : 91-80-22206372
e-mail : secretary@btcraces.com
secbtc@yahoo.com

POST BOX NO. 5038
52, RACE COURSE ROAD
BANGALORE -560 001

- (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) 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;

Bangalore Turf Club Ltd.

CIN No: U99999KA1962PLC001449

Telephone : Office : 22262391/2/3/5,22140200
Secretary : 22261379
Fax : 91-80-22206372
e-mail : secretary@btcraces.com
secbtc@yahoo.com

POST BOX NO. 5038
52, RACE COURSE ROAD
BANGALORE -560 001

(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.

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:

Bangalore Turf Club Ltd.

CIN No: U99999KA1962PLC001449

Telephone : Office : 22262391/2/3/5,22140200
Secretary : 22261379
Fax : 91-80-22206372
e-mail : secretary@btraces.com
secbtc@yahoo.com

POST BOX NO. 5038
52, RACE COURSE ROAD
BANGALORE -560 001

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

Bangalore Turf Club Ltd.

CIN No: U99999KA1962PLC001449

Telephone : Office : 22262391/2/3/5,22140200
Secretary : 22261379
Fax : 91-80-22206372
e-mail : secretary@btcraces.com
secbtc@yahoo.com

POST BOX NO. 5038
52, RACE COURSE ROAD
BANGALORE -560 001

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.

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).

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.

Sd/-

Dated: 27/11/2023

Sr. Stipendiary Steward"

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

1. The Charge Sheet No: 837 dated 27/11/2023 issued to Trainer Mr. Sharat Kumar with relevant Annexures attached thereto, together with the submissions made by the concerned before the enquiry officers during their preliminary enquiry.
2. The Oral submissions made by Trainer Mr. Sharat Kumar during the course of the Stewards Enquiry.
3. The opinion of the enquiry officers on this issue.

Bangalore Turf Club Ltd.

CIN No: U99999KA1962PLC001449

Telephone : Office : 22262391/2/3/5,22140200
Secretary : 22261379
Fax : 91-80-22206372
e-mail : secretary@btcraces.com
secbtc@yahoo.com

POST BOX NO. 5038
52, RACE COURSE ROAD
BANGALORE -560 001

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 from **26/10/2026 to 25/10/2029 [both days inclusive] (2nd Infringement)** 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 6 yrs old dk b g EXTRAORDINARY testing positive for ILLICIT SUBSTANCE.
- b) That the horse 6 yrs old dk b g EXTRAORDINARY 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 in terms of the Rules of Racing of B.T.C.

Sd/- T. Raman (Advisor, Racing)

Sd/- G. Ravi Shankar

(Sr. Stipendiary Steward)

18/12/2023

PUBLISHED BY THE ORDER OF THE STEWARDS"

The Board of Appeal carefully considered the above. After great deal of deliberations and applying their mind to the whole matter the board of appeal unanimously decided as follows:

- (a) The Board noted his grounds of appeal and the submissions made by his spokesperson Mr. Shehzad Abbas and Trainer Mr. Sharat Kumar himself. After detailed deliberations, decided to reject the submissions and appeal made by the Spokesperson and Trainer Mr. Sharat Kumar in his grounds of appeal.
- (b) That trainer Mr. Sharat Kumar has definitely contravened relevant Rules and Regulations of BTC Rules of Racing & Medication Calendar Notification.

Bangalore Turf Club Ltd.

CIN No: U99999KA1962PLC001449

Telephone : Office : 22262391/2/3/5,22140200
Secretary : 22261379
Fax : 91-80-22206372
e-mail : secretary@btcraces.com
secbtc@yahoo.com

POST BOX NO. 5038
52, RACE COURSE ROAD
BANGALORE -560 001

- (c) That the breach committed by Trainer Mr. Sharat Kumar was really serious thereby 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 6 yrs old dk b g EXTRAORDINARY testing positive for ILLICIT SUBSTANCE.
- (d) That possession of syringes and Hypodermic needles which were very grave in nature as dk b g EXTRAORDINARY had tested positive for the drug [CLENBUTEROL- β 2 agonist].
- (e) That the disqualification meted out to Trainer Mr. Sharat Kumar by the Stewards of the club as they found him guilty as charged in the matter and the same need not be interfered with.

In light of the above, the board unanimously decided as under:

- a) **To reject the appeal filed by Trainer Mr. Sharat Kumar ;and therefore his period of disqualification under BTC Rules of Racing shall remain the same as decided by the Stewards of BTC i.e., from 26/10/2026 to 25/10/2029 for infringement of BTC Medication Calendar Notification and relevant provisions of the BTC Rules of Racing as mentioned above.**
- b) **To forfeit Rs.11,800/- (Inclusive GST) paid by Trainer Mr. Sharat Kumar towards the Appeal fee.**

BY ORDER OF THE BOARD OF APPEAL



**Kiran M.K.
SECRETARY**

8th February, 2024

Bangalore Turf Club Ltd.

CIN No: U99999KA1962PLC001449

Telephone : Office : 22262391/2/3/5,22140200
Secretary : 22261379
Fax : 91-80-22206372
e-mail : secretary@btcraces.com
secbtc@yahoo.com

POST BOX NO. 5038
52, RACE COURSE ROAD
BANGALORE -560 001

ORDER OF THE BOARD OF APPEAL

Positive finding of illicit substance (CLENBUTEROL – β 2 Agonist) in the urine sample of 5 yrs old ch g THE ADVISER trained by Mr. Sharat Kumar after it returned positive during the out of competition testing held on 17/8/2023. 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. C1631 - 1/20231020 dated 21/10/2023.

The Board of Appeal of Bangalore Turf Club Ltd., at its meetings held on 27th January, 2024 considered the appeal dated 9/12/2023 against the decisions of the Stewards at their meeting held on 7/12/2023 in declaring him as a "Warned Off Person" under BTC Rules of Racing from 26/10/2029 to 25/10/2033 [Both days inclusive] for contravention of BTC Rules of Racing and BTC Medication Calendar Notification in respect of his charge ch g THE ADVISER during out of competition testing on 17/8/2023.

1. In this connection, the Board considered the following:
 - a) The Minutes of meeting of the Stewards dated 7/12/2023 together with all enclosures;
 - b) Appeal letter dated 9/12/2023 by Trainer Mr. Sharat Kumar;
 - c) Written Grounds of Appeal dated 17/1/2024 filed by Trainer Mr. Sharat Kumar;
 - d) The oral submissions made by Mr. Shehzad Abbas (Spokesperson) for Trainer Mr. Sharat Kumar and Trainer Mr. Sharat Kumar himself 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. Sharat Kumar;
 - h) Order of the Stewards reading as under:

Bangalore Turf Club Ltd.

CIN No: U99999KA1962PLC001449

Telephone : Office : 22262391/2/3/5,22140200
Secretary : 22261379
Fax : 91-80-22206372
e-mail : secretary@btraces.com
secbtc@yahoo.com

POST BOX NO. 5038
52, RACE COURSE ROAD
BANGALORE -560 001

"ORDER OF THE STEWARDS"

Positive finding of illicit substance (CLENBUTEROL – β 2 Agonist) in the urine sample of 5 yrs old ch g THE ADVISER trained by Mr. Sharat Kumar after it returned positive during the out of competition testing held on 17/8/2023. 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. C1631 - 1/20231020 dated 21/10/2023.

The Stewards at their meeting held on 7/12/2023 and considered the following:-

The Charge Sheet No.838 dated 27/11/2023 issued to Trainer Mr. Sharat Kumar by the Senior Stipendiary Steward pertaining to the positive finding of his 5 yrs old ch g THE ADVISER which had returned positive for **(CLENBUTEROL – β 2 Agonist)**, an illicit substance during the out of competition testing held on 17/8/2023. The relevant rules of BTC the Rules of Racing and BTC Medication Rules and Charge Sheet is produced below:

"BTC CHARGE SHEET No: 838"

Allegation of breach of the BTC Rules of Racing

Venue : Bangalore Race No. NIL Date: 17/8/2023

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) as the trainer of ch g "THE ADVISER".

Date: 27-11-2023

**Sd/
Sr. Stipendiary Steward"**



Bangalore Turf Club Ltd.

CIN No: U99999KA1962PLC001449

Telephone : Office : 22262391/2/3/5,22140200
Secretary : 22261379
Fax : 91-80-22206372
e-mail : secretary@btcraces.com
secbtc@yahoo.com

POST BOX NO. 5038
52, RACE COURSE ROAD
BANGALORE -560 001

Annexure to and forming a part of Charge Sheet No.838 dated 27/11/2023.

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 **ch g THE ADVISER** has tested positive for CLENBUTEROL (β 2 Agonist - Illicit Substance) during the out of competition testing on 17/8/2023 by the primary lab (The Quanti Lab, Mauritius) by its (Reports No. P230823_27 and P230823_27.1, dated 5th September, 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) vide its report No. C1631-1/20231020 dated 21/10/2023. 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.*

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

Bangalore Turf Club Ltd.

CIN No: U99999KA1962PLC001449

Telephone : Office : 22262391/2/3/5,22140200
Secretary : 22261379
Fax : 91-80-22206372
e-mail : secretary@btcraces.com
secbtc@yahoo.com

POST BOX NO. 5038
52, RACE COURSE ROAD
BANGALORE -560 001

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 (No FIR)- 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.

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;

Bangalore Turf Club Ltd.

CIN No: U99999KA1962PLC001449

Telephone : Office : 22262391/2/3/5,22140200
Secretary : 22261379
Fax : 91-80-22206372
e-mail : secretary@btcraces.com
secbtc@yahoo.com

POST BOX NO. 5038
52, RACE COURSE ROAD
BANGALORE -560 001

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;
- (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;

Bangalore Turf Club Ltd.

CIN No: U99999KA1962PLC001449

Telephone : Office : 22262391/2/3/5,22140200
Secretary : 22261379
Fax : 91-80-22206372
e-mail : secretary@btcraces.com
secbtc@yahoo.com

POST BOX NO. 5038
52, RACE COURSE ROAD
BANGALORE -560 001

(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 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);

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 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. 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;

Bangalore Turf Club Ltd.

CIN No: U99999KA1962PLC001449

Telephone : Office : 22262391/2/3/5,22140200
Secretary : 22261379
Fax : 91-80-22206372
e-mail : secretary@btcraces.com
secbtc@yahoo.com

POST BOX NO. 5038
52, RACE COURSE ROAD
BANGALORE -560 001

- (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) 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;

Bangalore Turf Club Ltd.

CIN No: U99999KA1962PLC001449

Telephone : Office : 22262391/2/3/5,22140200
Secretary : 22261379
Fax : 91-80-22206372
e-mail : secretary@btcraces.com
secbtc@yahoo.com

POST BOX NO. 5038
52, RACE COURSE ROAD
BANGALORE -560 001

(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.

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:

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

Bangalore Turf Club Ltd.

CIN No: U99999KA1962PLC001449

Telephone : Office : 22262391/2/3/5,22140200
Secretary : 22261379
Fax : 91-80-22206372
e-mail : secretary@btcraces.com
secbtc@yahoo.com

POST BOX NO. 5038
52, RACE COURSE ROAD
BANGALORE -560 001

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;

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

AND

Bangalore Turf Club Ltd.

CIN No: U99999KA1962PLC001449

Telephone : Office : 22262391/2/3/5,22140200
Secretary : 22261379
Fax : 91-80-22206372
e-mail : secretary@btcraces.com
secbtc@yahoo.com

POST BOX NO. 5038
52, RACE COURSE ROAD
BANGALORE -560 001

"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.

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).

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.

Dated: 27/11/2023

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

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

1. The Charge Sheet No: 838 dated 27/11/2023 issued to Trainer Mr. Sharat Kumar with relevant Annexures attached thereto, together with the submissions made by the concerned before the enquiry officers during their preliminary enquiry.

Bangalore Turf Club Ltd.

CIN No: U99999KA1962PLC001449

Telephone : Office : 22262391/2/3/5,22140200
Secretary : 22261379
Fax : 91-80-22206372
e-mail : secretary@btcraces.com
secbtc@yahoo.com

POST BOX NO. 5038
52, RACE COURSE ROAD
BANGALORE -560 001

2. The Oral submissions made by Trainer Mr. Sharat Kumar during the course of the Stewards Enquiry.
3. The opinion of the enquiry officers on this issue.

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

- a) To declare Trainer Mr. Sharat Kumar as a "Warned Off Person" under the BTC Rules of Racing for a period of four (4) years i.e., from **26/10/2029 to 25/10/2033 [both days inclusive] (3rd Infringement)** 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 of his charge 5 yrs old ch g THE ADVISER testing positive for ILLICIT SUBSTANCE. The said punishment will not run concurrent with the other punishments for earlier infringements and shall take effect after the serving of punishments of disqualification for earlier infringements under the B.T.C Rules of Racing / Bangalore Turf Club Ltd., Medication Rules.
- b) That the horse 5 yr old ch g THE ADVISER 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 in terms of the Rules of Racing of B.T.C.

Sd/- T. Raman (Advisor, Racing)

Sd/- G. Ravi Shankar

(Sr. Stipendiary Steward)

18/12/2023

PUBLISHED BY THE ORDER OF THE STEWARDS"

The Board of Appeal carefully considered the above. After great deal of deliberations and applying their mind to the whole matter the board of appeal unanimously decided as follows:

- (a) The Board noted his grounds of appeal and the submissions made by his spokesperson Mr. Shehzad Abbas and Trainer Mr. Sharat Kumar himself. After detailed deliberations, decided to reject the submissions and appeal made by the Spokesperson and Trainer Mr. Sharat Kumar in his grounds of appeal.

Bangalore Turf Club Ltd.

CIN No: U99999KA1962PLC001449

Telephone : Office : 22262391/2/3/5,22140200
Secretary : 22261379
Fax : 91-80-22206372
e-mail : secretary@btcraces.com
secbtc@yahoo.com

POST BOX NO. 5038
52, RACE COURSE ROAD
BANGALORE -560 001

- (b) That trainer Mr. Sharat Kumar has definitely contravened relevant Rules and Regulations of BTC Rules of Racing & Medication Calendar Notification.
- (c) That the breach committed by Trainer Mr. Sharat Kumar was really serious thereby 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 of his charge 5 yrs old ch g THE ADVISER testing positive for ILLICIT SUBSTANCE.
- (d) That possession of syringes and Hypodermic needles which were very grave in nature as ch g THE ADVISER had tested positive for the drug [CLENBUTEROL – β 2 agonist].
- (e) That Trainer Mr. Sharat Kumar was treated as a "Warned Off Person" under the BTC Rules of Racing for a period of four (4) years by the Stewards of the Club as they found him guilty as charged in the matter and the same need not be interfered with.

In light of the above, the board unanimously decided as under:

- a) **To reject the appeal filed by Trainer Mr. Sharat Kumar; and therefore his period of Warning Off under BTC Rules of Racing shall remain the same as decided by the Stewards of BTC i.e., from 26/10/2029 to 25/10/2033 for infringement of BTC Medication Calendar Notification and relevant provisions of the BTC Rules of Racing as mentioned above.**
- b) **To forfeit Rs.11,800/- (Inclusive GST) paid by Trainer Mr. Sharat Kumar towards the Appeal fee.**

BY ORDER OF THE BOARD OF APPEAL



**Kiran M.K.
SECRETARY**

Date: 8th February, 2024