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Thirteenth Kerala Legislative Assembly

Bill No. 373

THE KERALA SPORTS (AMENDMENT) BILL, 2015

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THE KERALA SPORTS (AMENDMENT) BILL, 2015

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BILL

further to amend the Kerala Sports Act, 2000

Preamble.—WHEREAS, it is expedient further to amend the Kerala Sports Act, 2000 for the purposes hereinafter appearing;

BE it enacted in the Sixty-sixth Year of Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Sports (Amendment) Act, 2015.

(2) It shall be deemed to be come into force on the 18th day of September, 2015.

2. *Amendment of section 2.*—In the Kerala Sports Act, 2000 (2 of 2001) (hereinafter referred to as the principal Act), in section 2,—

(a) the existing clause (i) shall be renumbered as clause (iA) and before clause (iA) as so renumbered, the following clause shall be inserted, namely:—

“(i) “Administrative Board” means the Administrative Board of the State Sports Council constituted under section 6;”;

(b) after clause (iv), the following clause shall be inserted, namely:—

“(ivA) “District Level Dispute Redressal Committee” means the District Level Dispute Redressal Committee constituted under section 30;”;

(c) after clause (v), the following clause shall be inserted, namely:—

“(vA) “District Sports Council Chairman” means the District Collector of the revenue district concerned;”;

(d) after clause (vii), the following clause shall be inserted, namely:—

“(viiA) “Fund” means the State Sports Development Fund constituted under section 34A;”;

(e) after clause (x), the following clauses shall be inserted, namely:—

“(xA) “open place” means any place whether enclosed or not, having no building or any place not more than five percentage of which is covered with buildings, and is primarily used for sports either wholly or partially;”;

“(xB) “play ground” means a place made suitable for the purpose of sports, games or physical exercises;”;

(f) for clause (xiv), the following clause shall be substituted, namely:—

“(xiv) “sports” include outdoor events, games conducted in open place or country sports, indoor games, those included as competitive items in the Common Wealth Games, Asian Games or National Games and aquatic sports, conducted from year to year as National Championships and other sports activities which are declared by the Government, by notification, as sports or games, on the recommendation of the State Sports Council;”;

(g) for clause (xvi), the following clauses shall be substituted, namely:—

“(xvi) “Sports Club” means a sports association registered under the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955 (12 of 1955) or the Societies Registration Act, 1860 (Central Act 21 of 1860) and affiliated to the District Sports Organisation concerned in accordance with the provisions of this Act and the rules made hereunder;

(xviA) "Sports Director" means the officer appointed by the Government as the head of the Sports and Youth Affairs Department;

(xviB) "sports facility" means any stadium, playground, open place or its part or any facility ancillary to it;";

(h) for clause (xvii), the following clause shall be substituted, namely:—

"(xvii) "sportsman" means a person who has participated in any sports item specified in clause (xiv) of section 2 at the District, School, University, State, National or International level and registered as a sportsman;";

(i) for clause (xviii), the following clauses shall be substituted, namely:—

"(xviii) "stadium" means an athletic or sports ground with a gallery for the spectators;

(xviiiA) "State Dispute Redressal Committee" means the State Dispute Redressal Committee constituted under section 30;";

3. *Amendment of section 3.*—In section 3 of the principal Act,—

(a) in sub-section (3), under the heading "Elected Members",—

(i) items (b), (c), (d), (e), (f), (g), (h), (i), (j) and the letter and bracket "(a)" shall be omitted;

(ii) for the heading "Nominated Members" and items (i) to (iii) thereunder, the following heading and items shall, respectively, be substituted, namely:—

"Members Nominated by Government

(a) one member each representing the District Sports Councils from a panel of not less than three names submitted by the Chairman of the District Sports Councils;

(b) three members from among the members of the Legislative Assembly;

(c) one member from among the Mayors of the Municipal Corporations in the State;

(d) one member from among the Chairpersons of the Municipal Councils in the State;

(e) one member from among the District Panchayat Presidents in the State;

(f) one member from among the Block Panchayat Presidents in the State;

(g) one member from among the Grama Panchayat Presidents in the State;

(h) four Physical Education Directors from the Universities in the State;

(i) two sports coaches from among the sports coaches who have moulded sportsmen of international standard or those who have received recognition of the country for their achievements;

(j) four leading sportsmen from among the sportsmen who have represented the country in recognised international championships of which two shall be women;

nominated by the Government.”;

(b) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) The State Sports Council shall have a president having interest in sports and games, nominated by the Government and a Vice-President nominated by the Government from among the members specified in item (i) under the heading ‘Elected Members’ in sub-section (3) of section 3;”;

(c) in sub-section (8), for the words "consecutively for more than two terms", the words "for more than three terms" shall be substituted.

4. *Amendment of section 4.*—In section 4 of the principal Act,—

(a) in sub-section (3),—

(i) in clause (i), for the words, "Standing Committee", the words "Administrative Board" shall be substituted;

(ii) in clause (ii), for the words "Standing Committee", the words "Administrative Board" shall be substituted;

(iii) in clause (vi), for the words "Standing Committee", the words "Administrative Board" shall be substituted;

(b) in sub-section (4), for the words "Standing Committee", the words "Administrative Board" shall be substituted.

5. *Amendment of section 5.*—In sub-section (2) of section 5 of the principal Act,—

(a) after clause (c), the following clause shall be inserted, namely:—

"(cA) The Government may, for the purpose of renovation of any stadium, playground, open place, swimming pool or other permanent sports infrastructure which are constructed with the financial assistance from the Government or any agency under it and owned or occupied by the District Sports Council or any other organisation registered under it, or for the purpose of its maintenance or management or for both; in case the existing occupants do not manage or maintain the same properly or if the alterations or modifications of the facilities are made for any other purpose not related to sports without the approval of the Kerala State Sports Council, take over the ownership of the same:

Provided that before such take over, the Government shall cause to conduct an enquiry for the purpose by an officer not below the rank of a Joint Secretary to the Government and as part of the enquiry, an opportunity of being heard shall be given to the parties concerned after serving notice on them."

(b) in sub-section (3), for the words "Standing Committee", the words "Administrative Board" shall be substituted.

6. *Substitution of new section for section 6.*—For section 6 of the principal Act, the following section shall be substituted, namely:—

“6. *Administrative Board of the State Sports Council.*—(1) There shall be an Administrative Board for the State Sports Council consisting of the following members, namely:—

(a) President of the State Sports Council, who shall be the Chairperson of the Administrative Board;

(b) Vice-President of the State Sports Council;

(c) Secretary to Government, Sports Department or an officer not below the rank of a Deputy Secretary deputed by him;

(d) Finance Secretary (Expenditure) or an officer not below the rank of a Deputy Secretary deputed by him;

(e) Director, Sports and Youth Affairs Department;

(f) three members of the State Sports Council, nominated by the Government from item (a) under the heading “Elected Members”;

(g) a member of the State Sports Council, nominated by the Government from item (a) under the heading “Nominated Members”;

(h) a member of the State Sports Council, nominated by the Government from item (h) under the heading “Nominated Members”;

(i) two members of the State Sports Council nominated by the Government from item (j) under the heading “Nominated Members”, of whom, one shall be a woman;

(j) State Sports Council Secretary, who shall be the Member-Secretary of the Administrative Board;

(2) The Administrative Board shall meet at least once in a month.

(3) The Administrative Board shall supervise the general functioning of the State Sports Council.

(4) The Administrative Board shall meet at such time and place as the President of the State Sports Council may decide.

Note.—The quorum of a meeting of the Administrative Board shall include two third of its total membership and an *ex-officio* member.

7. *Amendment of section 9.*—In section 9 of the principal Act,—

(a) in sub-section (3),—

(i) for clauses (b) to (e) under the heading “Elected Members”, the following clauses shall be substituted, namely:—

“(b) A person nominated by the Government from among the Mayor or the Municipal Council Chairpersons of the District;

(c) A person nominated by the Government from among the Block Panchayat Presidents of the District;

(d) Three persons nominated by the Government from among the Grama Panchayat Presidents of the District, if their total number is fifty or less and if it is above fifty, five persons nominated by the Government, of whom one shall be a woman and one shall be a person belonging to a Scheduled Caste or a Scheduled Tribe.”;

(ii) for clause (a) under the heading “Nominated Members”,—

(a) for clause (a), the following clause and items shall, respectively, be substituted, namely:—

“(a) (i) one third of the Members of the Legislative Assembly representing the Assembly constituencies in the District;

(ii) two persons from among the approved coaches in the District; nominated by the Government;

(b) in clause (b),—

(i) in item (ii), for the words, “One male student and one female student”, the words, “One sportsman and one sportswoman” shall be substituted;

(ii) for item (iii), the following item shall be substituted, namely:—

“(iii) One physical education teacher from the schools in the District;”;

(iii) item (iv) shall be omitted;

(c) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) There shall be a President for the District Sports Council, nominated by the Government.”;

(d) in sub-section (7), for the words "more than two terms consecutively", the words "more than three terms" shall be substituted.

8. *Amendment of section 11.*—In sub-section (1) of section 11 of the principal Act,—

(a) for the words "President, Vice-President", the words "Chairman, President" shall be substituted;

(b) for the words, "six members elected by the District Sports Council from among its members", the words "six members nominated by the Government from among the members of the District Sports Councils" shall be substituted.

9. *Amendment of section 12.*—In section 12 of the principal Act, for the word "President", wherever it occurs, the word "Chairman" shall be substituted.

10. *Amendment of section 13.*—For section 13 of the principal Act, the following section shall be substituted, namely:—

"13. *Powers and functions of the President and Chairman of District Sports Council.*—(1) The District Sports Council Chairman shall preside over the meetings of the District Sports Council and shall exercise such powers and perform such functions as may be prescribed.

(2) The President shall, in the absence of the Chairman, preside over the meetings of the District Sports Council and shall exercise such powers and perform such functions as may be delegated to him by the Chairman from time to time.

11. *Amendment of section 14.*—In section 14 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The State Sports Council Secretary shall, with the approval of the Administrative Board, by deputation or selection, as the case may be, appoint an officer not below the rank of a Section Officer in the Kerala Government Secretariat service or an officer of equivalent rank in other Departments or in the rank of an Assistant Secretary of the State Sports Council, as Secretary to the District Sports Council:

Provided that more than five posts of Secretaries of District Sports Council shall not be set apart for appointment through selection from the officers of the State Sports Council.”;

(b) clause (iv) of sub-section (2) shall be omitted;

(c) in sub-section (3), for the words “President”, the word “Chairman” shall be substituted.

12. *Amendment of section 30.*—For section 30 of the principal Act, the following section shall be substituted, namely:—

“30. *Constitution of Dispute Redressal Committees.*—(1) The Government shall constitute a State Dispute Redressal Committee for the purpose of redressal of dispute in respect of any matter under the provisions of this Act or the rules made thereunder arising between two or more District Sports Councils or between the State Sports Council and one or more District Sports Councils or between the District Sports Organisation and its parent State Organisation.

(2) The State Dispute Redressal Committee shall consist of the following members nominated by the Government, namely:—

(a) An officer not below the rank of a Joint Secretary of the Sports Department in the Government Secretariat who shall be the Chairman of the Committee;

(b) An officer not below the rank of a Deputy Secretary of the Law Department in the Government Secretariat;

(c) a Sports expert.

(3) The District Collector shall, by nomination, constitute a District Level Dispute Redressal Committee for each revenue district for the purpose of redressal of dispute in respect of any matter under the provisions of this Act or the rules made thereunder, arising between a District Sports Council and a sportsman or between two or more sportsmen or two or more sports organisations or between sports clubs under one sports organisation or between office bearers of a particular sports organisation and sportsmen in the District.

(4) The District Level Dispute Redressal Committee shall consist of the following members, namely:—

“(a) One Deputy Collector of the District-Chairman;

(b) A practising advocate with a minimum of three years’ standing at the bar;

(c) A sportsman in the District who has participated, or gained recognition, in the State-National Level competitions;

(5) Any person, Sports Organisation, Sports Club and Sports Council aggrieved by a decision of the District Level Dispute Redressal Committee constituted under sub-section (3) may prefer an appeal before the State Dispute Redressal Committee within such time and in such manner as may be prescribed.

(6) The procedure for adjudication of disputes in the State Dispute Redressal Committee and in the District Level Dispute Redressal Committee shall be such as may be prescribed.

(7) All disputes pending before the District Sports Councils prior to the date of commencement of the Kerala Sports (Amendment) Ordinance, 2015 (12 of 2015) shall, from the said date, be deemed to have been transferred to the State Dispute Redressal Committee.

(8) Any person or party aggrieved by an order passed by the State Dispute Redressal Committee may file an appeal before the Appellate Tribunal within such time and in such manner as may be prescribed.”.

13. *Amendment of section 31.*—In section 31 of the principal Act,—

(a) in sub-section (1), for the words “in such form and subject to such terms and conditions as may be prescribed”, the words “in the form as may be prescribed, subject to the terms and conditions specified in sub-section (1A)” shall be substituted;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) There shall be the following qualifications and compliance of conditions, for the registration of a Sports Organisation, namely:—

(i) It shall be an independent institution registered under the Societies Registration Act, 1860 (Central Act 21 of 1860) or the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955 (12 of 1955) and functioning exclusively for the development of sports.

(ii) There shall be an independent and written bye-law providing for its efficient functioning, election of office bearers from time to time, represent all classes of public, protection of the interests of players, promotion of sports and games, keeping of accounts and auditing and introducing no-confidence motion against the office bearers;

(iii) It shall have functioned actively for a period of more than three years, including holding of meetings from time to time as commanded by the bye-law, till the day on which the application for registration is given;

(iv) The term of office of the office bearers shall be a one time term of four years and if not less than two thirds of votes of the members have been obtained, the office bearers shall be eligible to be re-elected for a similar term or period.'

Provided that the office bearers shall not hold office for a period exceeding twelve years or three terms or till the completion of seventy years of age, whichever is earlier.

(v) No office bearer shall hold office of any other Sports Organisation at a time, except the State Sports Council or the Kerala Olympic Association;

(vi) There shall be an approved system to keep the decisions of the meetings and accounts in writing. The accounts shall be kept accurate and it shall be audited annually by a Chartered Accountant;

(vii) Before applying for registration, Annual championship shall be conducted in the senior, junior and sub-junior levels for fixed age groups;

(viii) Membership shall be limited to those belonging to their respective district and where membership is given to individuals and clubs, such membership shall not entail any right of vote to such members in any meeting of the organisation;

(ix) In the State level, there shall be only one recognised organisation for one sports discipline. The properly recognized organisations alone shall be eligible for the admissible financial aids, that is, grants and other benefits including grace marks. There shall be eligibility for grace marks and other benefits only if the certificates issued to the winners and participants of State level competitions conducted by the recognized State Sports Organisations are countersigned by an observer nominated by the State Sports Council. Only one organisation from each district shall be eligible for affiliation of the State Organisation. But, atleast ten district level organisations shall be affiliated to the State Organisation;

(x) There shall be suitable offices at the District level and State level;

(xi) There shall be only one recognised organisation for each sports discipline without considering whether it is for youth or men or women;

(xii) The State Sports Council shall be given fifteen days' prior information regarding the general body meeting, meeting for the election of office bearers, and of other meetings in which important decisions are to be taken and the State Sports Council shall send its observers to such meetings;

(xiii) Every Sports Organization shall complete their accounts immediately on the close of every financial year and an annual report containing significant matters in their functioning in the said year shall be published before the 31st day of May;

(xiv) Documents and accounts shall be prepared in electronic format also and shall be made accessible to all its members and to the State Sports Council;

(xv) It shall be duty bound to produce the soft copies of documents and accounts as and when demanded by the State Sports Council;

(xvi) Once in a year the general body meeting, and once in four years or before that according to the term of office of the office bearers a special meeting to elect the executive committee members including President, Secretary and Treasurer, shall be convened;

(xvii) The renowned sportsmen who have participated in the national-international level competitions shall be made members in the sports organisations with the right to vote and their number shall not be less than fifteen per cent of the total membership and their selection shall be in consultation with the State Sports Council;

(xviii) The District Organisations, State Organisations and organisations in the Local Self Government Institutions shall, before the 1st day of April every year, take steps to publish the calendar of activities and programmes for the next year in their website or in the website of the State Sports Council or in both;

(xix) All sports organisations shall take steps to publish a schedule in an electronic format with a comprehensive description of details regarding the services being rendered by them and the rights of their members;

(xx) The Secretaries of all Sports Organisations shall be a sportsman who had participated at least in the State level competitions in their respective sports disciplines and shall be either active in the field of sports or a retired sportsman".

(c) in sub-section (2), for the word "sixty", the words "for y five" shall be substituted;

(d) in sub-section (3), for the words "seventy five", the words "forty five" shall be substituted;

(e) in sub-section (6), for the words "may file appeal in the Appellate Tribunal along with the prescribed fees", the words "may file appeal before the District Level Dispute Redressal Committee or the State Dispute Redressal Committee, respectively." shall be substituted and the words "and the decision of the Appellate Tribunal thereon shall be final" shall be omitted;

(f) sub-sections (7) to (11) shall be omitted.

14. *Insertion of new section 31A.*—After section 31 of the principal Act, the following section shall be inserted, namely:—

"31 A. *Withdrawal or suspension of recognition of sports organisations.*—(1) The State Sports Council may, if any of the following irregularities are found out in the activities of a recognized Sports Organisation, until a complete and comprehensive enquiry is made, suspend the recognition of that Sports Organisation, as an interim measure, namely:—

(a) if the Registrar of Societies or any other authority has initiated legal proceedings on the basis of accusation of misappropriation of fund;

(b) if it fails in conducting election as prescribed in the bye-law of the organisation or if serious lapses occurs in the election process;

(c) if it fails in submitting the audited annual accounts as prescribed;

(d) if the funds are misappropriated or unauthorisedly reappropriated;

(e) if it fails in furnishing correct informations as and when demanded;

(f) if continuous lapses occur in complying with the provisions stipulated in accepting the general funds including Governmental assistance;

(g) if report of a statutory authority, alleging grave irregularities on the internal affairs of the organization is received;

(h) in a situation in which any other grave irregularities are found out, in public interest;

(i) if the affiliation of a State Organisation is suspended by the National Association or Federation concerned.

(2) The State Sports Council may, after giving the Sports Organisation an opportunity of being heard, withdraw its recognition on any of the following grounds, namely:—

(a) violation of the terms and conditions for recognition or of its bye-law;

(b) if an irregularity under clauses (a), (b), (d), (f) and (g) specified in sub-section (1) regarding the functioning of the organisation is confirmed on enquiry;

(c) if the concerned National Association or Federation concerned has perpetually cancelled the recognition or nullified the affiliation of the State Organisation.

(3) The office bearer of an organisation, the recognition of which has been cancelled as per this section, shall not be eligible for becoming the office bearer of any other Sports Organisation.

15. *Amendment of section 32.*—In sub-section (3) of section 32 of the principal Act, for the words “may appeal before the Appellate Tribunal within such time and in such manner, as may be prescribed, and the decision of the Appellate Tribunal thereon shall be final”, the words “may appeal before the District Level Dispute Redressal Committee” shall be substituted.

16. *Insertion of new section 34A.*—After section 34 of the principal Act, the following section shall be inserted, namely:—

“34A. *State Sports Development Fund.*—(1) The Government shall, with the objectives specified in sub-section (3), constitute a “State Sports Development Fund” under the Director of Sports and Youth Affairs, by converting the Sports Development Fund constituted as per G.O.(Rt.) No. 68/12/S&YA dated 20th March, 2012 and existing on the date of commencement of the Kerala Sports (Amendment) Ordinance, 2015 (12 of 2015), which shall be administered by a Board of Trustees constituted under sub-section (4)

(2) All grants, grants-in-aid and donations received from the Central and State Governments, Corporates, Associations, Societies, Boards, Trusts or from any other legal source shall be credited to the State Sports Development Fund.

(3) The State Sports Development Fund may be utilised for the following matters, namely:—

(i) to provide encouragement to sportsmen for sports in general and especially in particular sports disciplines, for achieving excellence at national-international level;

(ii) to provide special coaching in sports disciplines to the sportsmen, sports coaches and sports specialists;

(iii) to provide assistance for the infrastructure facilities required to promote excellence in sports;

(iv) to provide assistance to Sports Organisations, Sports Clubs, educational institutions, individuals and Government-Non Governmental Organisations for purchasing sports equipments as part of promotion of excellence in sports;

(v) to promote international co-operation inspiring the development of sports and exchange programmes for the training of sportsmen and coaches;

(vi) to provide suitable assistance to the renowned sportsmen who sustain injury while on coaching for competition or during the competitions;

(vii) to provide suitable assistance to eminent Keralite sportsmen who earned reputation to the country by winning international competitions and to the State by winning national competitions;

(viii) to provide sufficient insurance coverage to sportsmen who are registered in the Sports Council and is active in the sports field.

(4) The Government shall constitute a “Board of Trustees” with the following members, namely:—

- | | |
|---|-----------------------------------|
| (i) Minister for Sports | .. Chairman (<i>Ex-officio</i>) |
| (ii) The Secretary to Government (Sports) | .. Member (<i>Ex-officio</i>) |
| (iii) The President, Kerala State Sports Council | .. Member (<i>Ex-officio</i>) |
| (iv) The Secretary to Government, Finance (Expenditure) Department | .. Member (<i>Ex-officio</i>) |

- (v) The Finance Officer of the Directorate of Sports and Youth Affairs .. Member
- (vi) The Secretary, Kerala State Sports Council .. Member
- (vii) Persons nominated by the Government from among the eminent sportsmen and officials; .. Five members
- (viii) The Director of Sports and Youth Affairs, who shall be the Member-Secretary and Treasurer.

(5) The affairs of the Trust shall be conducted in accordance with the written Trust Deed, signed and registered under the Indian Trust Act, 1882 (Central Act 2 of 1882).

17. *Amendment of section 41.*—In sub-section (1) of section 41 of the principal Act,—

(a) in clause (a), for the words “a District Sports Council”, the words “one or more District Sports Councils” shall be substituted;

(b) after clause (d), the following clause shall be inserted, namely:—

“(e) District Sports Organisations and their State Organisation;”.

18. *Amendment of section 44.*—In the proviso to sub-section (1) of section 44 of the principal Act, for the words “such percentage of posts as may be prescribed”, the words “fifty per cent” shall be substituted.

19. *Amendment of section 45.*—In sub-section (2) of section 45 of the principal Act,—

(a) for clause (g), the following clause shall be substituted, namely:—

“(g) powers, duties and functions of the Secretary of the State Sports Council, Member-Secretary of the Administrative Board, Secretaries of the District Sports Councils and of the Executive Committee;”.

20. *Amendment of section 46.*—After clause (a) of sub-section (2) of section 46 of the principal Act, the following clause shall be inserted, namely:—

“(aa) Powers and functions of the District Sports Council;”.

21. *Repeal and saving.*—(1) The Kerala Sports (Amendment) Ordinance, 2015 (12 of 2015) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Kerala Sports Act, 2000 (2 of 2001) was enacted by the Legislative Assembly to provide for the promotion of sports and games and to augment the athletic efficiency in the State of Kerala and for the constitution of Sports Councils at the State level, District level and local level and for matters connected therewith. But, the Government considers that there are certain deficiencies in the provisions of the Act for carrying out the objects of the said Act in the proper manner.

2. The Government considers that the smooth functioning of the State Sports Council and District Sports Councils shall be ensured by including therein members belonging to various categories and also making change in their structure. Further, the Government decided to constitute an Administrative Board to supervise the activities of the State Sports Council and a State Dispute Redressal Committee for redressing the disputes between the State Sports Council and District Sports Councils or between District Sports Organisation and its parent state organisation and one District Dispute Redressal Committee each in every Revenue District for redressing the disputes between the District Sports Council and Sportsmen or between sports organisations, sportsmen and sports clubs.

3. The Government considers that for the purpose of renovation of any stadium, playground, open place, swimming pool or other permanent sports infrastructure which are constructed with the financial assistance from the Government or any agencies under it and owned or occupied by the District Sports Council or any other organisation registered in it, or for the purpose of its maintenance or management in case the existing occupants do not manage or maintain the same properly or if the alterations or modifications of the facilities are made for any other purpose not related to sports, without the approval of the Kerala State Sports Council, there shall be a provision to take over the ownership of the same by the Government.

4. Government have also decided to constitute a State Sports Development Fund to make the activities of the various organisations functioning in the field of sports to be unified, independent and transparent and also for making the infrastructure facilities of international standard in the sports field by giving emphasis to their maintenance and protection of the Sportsmen and coaches and also to vest its administration in a Board of Trustees under the Chairmanship of the Minister for Sports.

5. The Government considers that in order to implement the above proposals, it is necessary to amend the Kerala Sports Act, 2000 (2 of 2001).

6. As the Legislative Assembly of the State of Kerala was not in session and the above proposals had to be given effect to immediately, the Kerala Sports (Amendment) Ordinance, 2015 was promulgated by the Governor of Kerala on the 18th day of September, 2015 and the same was published as Ordinance No. 12 of 2015 in the Kerala Gazette Extraordinary No. 2118 dated 18th September, 2015.

7. The Bill seeks to replace the said Ordinance by an Act of the State Legislature.

FINANCIAL MEMORANDUM

Section 34A proposed to be inserted by clause 16 of the Bill provides for the constitution of a State Sports Development Fund under the Director of Sports and Youth Affairs by converting the Sports Development Fund constituted as per G.O.(Rt.) No. 68/12/S&YA dated 20th March, 2012 and existing on the date of commencement of the Kerala Sports (Amendment) Ordinance, 2015 (12 of 2015). The grant from the Central-State Governments have been included as the financial resource of the Sports Development Fund, which is in existence as stated above. Towards this, allotment may be granted from the State Budget in the same manner as is doing now. But, the amount that may be allotted as the grant may not be stated now. Therefore, the expenditure that may be incurred towards this from the Consolidated Fund of the State cannot be assessed now. This Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State other than that stated above. Further, there would not be any expenditure from the Fund of any other public institution, other than the expenditure from the said Sports Development Fund.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause (xiv) of section 2 proposed to be inserted in the principal Act by sub-clause (f) of clause 2 of the Bill empowers the Government to declare, by notification in the Gazette, certain physical activities to be sports or game, on the recommendation of the State Sports Council.

2. Section 13 proposed to be inserted in the principal Act by clause 10 of the Bill empowers the Government to make rules to prescribe the powers and functions of the Chairman of the District Sports Council.

3. Sub-section (5) of section 30 proposed to be inserted in the principal Act by clause 12 of the Bill empowers the Government to make rules prescribing the time limit and the manner in which appeal to the State Disputes Redressal Committee is to be filed by the persons, sports organizations, sports club and sports council aggrieved by a decision of the District Level Dispute Redressal Committee.

4. Sub-section (6) of section 30 proposed to be inserted in the principal Act by clause 12 of the Bill empowers the Government to make rules prescribing the procedure for adjudication of disputes in the State Dispute Redressal Committee and the District Level Dispute Redressal Committee.

5. Sub-section (8) of section 30 proposed to be inserted in the principal Act by clause 12 of the Bill empowers the Government to make rules prescribing the time limit and the procedure for filing appeal before the Appellate Tribunal by the persons or parties aggrieved by an order passed by the State Dispute Redressal Committee.

6. Clause (c) of sub-section (1) of section 31A proposed to be inserted by clause 13 of the Bill empowers the Government to make rules regarding the submission of the annual audited accounts of the Sports Organisations.

7. Clause (g) of sub-section (2) of section 45 proposed to be inserted by clause 19 of the Bill empowers the Government to make rules prescribing the powers, duties and functions of the Secretary of the State Sports Council, Member-Secretary of the Administrative Board, Secretaries of the District Sports Councils and of the Executive Committee.

8. The matters in respect of which rules may be made, or notifications may be issued, are matters of the procedures and are routine or administrative in nature. Further, the rules, after they are made and the notifications after they are issued, are subject to scrutiny of the Legislative Assembly. Delegation of legislative power is, thus, of normal character.

THIRUVANCHOOR RADHAKRISHNAN

EXTRACT FROM THE KERALA SPORTS ACT, 2000
(2 OF 2001)

** ** ** ** ** ** **

2. *Definitions.*—In this Act, unless the context otherwise require,—

(i) “Appellate Tribunal” means the Appellate Tribunal constituted under section 41;

** ** ** ** ** ** **

(iv) “District” means a Revenue District;

(v) “District Sports Council” means the District Sports Council constituted under section 9 for a district;

** ** ** ** ** ** **

(vii) “Existing Sports Council” means the existing sports council functioning in the State;

** ** ** ** ** ** **

(x) “Notification” means notification published in the Gazette;

** ** ** ** ** ** **

(xiv) “Sports” shall include such activities organized as outdoor games, athletics, games conducted in open place or country sports, indoor games and aquatic sports and popular games such as equestrian, show jumping, cycling, motor racing, mountaineering, boat racing, rifle shooting, kalaripayattu, fencing, yoga and such other outdoor and indoor sports and games, chess, gymnastics, wrestling, weightlifting, cycle polo and other Olympic disciplines and include other physical activities which the State Government may by notification in the gazette specify as sports or games on the recommendation of the State Sports Council;

** ** ** ** ** ** **

(xvi) “Sports Club” means, a sports organization registered with the Corporation Council, Municipal Sports Council, Town Sports Council, Block Sports Council or Village Sports Council as the case may be, and affiliated to any sports organizations registered with the State Sports Council;

** ** ** ** ** ** **

(xvii) "Sportsman" means person who has participated in any of the recognized sports item at District-State-National-International level;

(xviii) "Standing Committee" means the standing committee of the State Sports Council;

** ** ** ** ** ** **

3. *Constitution and composition of the Kerala State Sports Council.—*

(1) ** ** ** ** **

(2) ** ** ** ** **

(3) The Kerala State Sports Council shall consist of the following members, namely:—

** ** ** ** ** ** **

Elected Members

- (a) One member each from each of the recognized State Sports Organisation elected by the members of such organization from among themselves;
- (b) One member each from each of the District Sports Council elected by the members of such District sports Councils from among themselves;
- (c) One member each from each of the University in the State elected by the members of the General Council of such university unions, from among the captains of the university teams;
- (d) Three members elected by the members of the State Legislative Assembly from among themselves through the method of proportional representation by single transferable vote;
- (e) One member elected by the Mayors of the Municipal Corporations of the State from among themselves;
- (f) One member elected by the Presidents of the District Panchayats of the State from among themselves;
- (g) One member elected by the Chairpersons of the Municipal Councils of the State from themselves;

- (h) One member elected by the Chairpersons of the Town Panchayats of the State from among themselves;
- (i) One member elected by the Presidents of the Block Panchayats of the State from among themselves;
- (J) One member elected by the Presidents of the Grama Panchayats of the State from among themselves;

Nominated Members

- (i) Four Physical Education Directors from the Universities in Kerala;
- (ii) Two sports experts having international or national standard of whom one shall be a woman; and
- (iii) A Sports correspondent nominated by Government.

** ** ** ** ** ** **

(4) There shall be a President for the State Sports Council nominated by the Government from among its members and a Vice-President elected by the members of the State Sports Council from among the members specified in items (a) and (b) under the heading "elected members" in sub-section (3) in such manner as may be prescribed.

** ** ** ** ** ** **

(8) No person shall be elected as member consecutively for more than two terms.

** ** ** ** ** ** **

4. *Secretary of the State Sports Council.*—(1) ** ** **

(2) ** ** ** ** ** **

Subject to the provisions of this Act and the rules made thereunder, the Secretary shall,—

- (i) implement the resolutions of State Sports Council and its Standing Committee;
- (ii) incur the expenditure authorised by the President and the Standing Committee;

** ** ** ** ** ** **

(vi) keep the records of the meetings and the proceedings of the State Sports Council and Standing Committee; and,

** ** ** ** ** ** **

(4) The Secretary may, with the permission of the Standing Committee, and subject to such restrictions and limitations specified by him by an order in writing entrust any of his functions to any official of the State Sports Council.

5. *Duties, powers and functions of the State Sports Council.*—(1) **

(2) Save as otherwise expressly provided in this Act, the State Sports Council shall have the following powers and functions, namely:—

** ** ** ** ** ** **

(c) to acquire or formally request properties for carrying out all or any of its activities for which the State Sports Council is responsible;

** ** ** ** ** ** **

(3) The State Sports Council may subject to any restrictions and conditions as may be specified by it, delegate its powers and duties under this Act and rules made thereunder to the Standing Committee of the council or its President or Secretary.

** ** ** ** ** ** **

6. *Standing Committee of the State Sports Council.*—(1) There shall be a Standing Committee for the State Sports Council consisting of the following members, namely:—

- (a) President of State Sports Council;
- (b) Vice-President;
- (c) Government Secretary in-charge of Sports Department;
- (d) Finance Secretary (Expenditure);
- (e) Director of Public Instruction;
- (f) Director, Sports and Youth Welfare;
- (g) Secretary, State Sports Council;
- (h) Five Members elected by the members of the State Sports Council from among the members of whom one shall be a member representing the elected members of the District Sports Council and one shall be a sports expert having international or national standard.

(2) The Standing Committee shall meet in the manner and at such time and at such place, as the President of the State Sports Council may decide and shall exercise the powers and discharge the functions, as may be entrusted to it by the State Sports Council.

** ** ** ** ** ** **

9. *District Sports Council.*—(1) ** ** ** **

(2) ** ** ** ** ** **

(3) Every District Sports Council shall consist of the following members, namely:—

** ** ** ** ** **

Elected Members

- (a) One member each elected from each recognized District Sports Organisation affiliated as a unit of any recognized State Sports Organisation;
- (b) One person elected by the Chairpersons of Municipal Council within the District from among themselves;
- (c) One person elected by the Chairpersons of Town Panchayats within the District from among themselves;
- (d) One person elected by the Presidents of Block Panchayats within the District from among themselves;
- (e) The Village Panchayat Presidents within the District shall elect from among themselves three persons if the number of such village Panchayat Presidents are less than fifty, and five persons if it is more than fifty or whom one shall be a woman and one shall be from the scheduled caste or scheduled tribe.

Nominated Members

- (a) One third of Members nominated by Government, from among the members of Legislative Assembly representing the Assembly constituencies in the District;
- (b) The District Collector shall nominate,—
 - (i) One Physical Education Instructor from the College within the district;

- (ii) One male student and one female student from within the district having district level achievements in sports;
- (iii) One registered Medical Practitioner having sufficient expertise in sports medicine;
- (iv) Two experts having international or national level achievements in sports of whom one shall be a woman.

(4) There shall be a President and Vice-President for every District Sports Council elected from among the members of that council as may be prescribed;

** ** ** ** ** ** **

(7) No person shall be elected as member for more than two terms consecutively.

** ** ** ** ** ** **

11. *Executive Committee of the District Sports Council.*—(1) There shall be an Executive Committee of the District Sports Council consisting of its President, Vice-President, Secretary and six members elected by the District Sports Council from among its members, of whom one shall be a woman.

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12. *Meeting of the District Sports Councils.*—(1) Every District Sports Council shall meet at least twice in a year on the dates as may be fixed by the President and one of such meeting shall be the annual meeting.

(2) The President may, whenever he deems fit convene a special meeting of the District Sports Council for the conduct of urgent business to be performed.

(3) Subject to such conditions as may be prescribed, if not less than one third of the total members of the District Sports Council demand in writing for the discussion of matters of urgent nature a special meeting of the District Sports Council shall be convened by its President within fifteen days of such demand.

(4) The quorum of a meeting of the District Sports Council shall be one third of its total membership.

(5) The District Sports Council shall transact its business by resolution passed in such manner and in accordance with such procedure, as may be prescribed.

(6) Copy of every resolution shall be forwarded to the State Sports Council, within fifteen days from the date of its passing.

13. *Powers and duties of President and Vice-President of the District Sports Council.*—(1) The President of the District Sports Council shall preside over its meeting and shall exercise such powers and perform such duties, as may be prescribed.

(2) The Vice-President may, in the absence of President, preside over the meetings of the District Sports Council and shall exercise such powers and perform such duties of the President as the President may, from time to time, delegate to him.

14. *Secretary of the District Sports Council.*—(1) The President of the District Sports Council shall, with the approval of the Standing Committee of the State Sports Council, appoint an officer not below the rank of a Section Officer in Government Service, as the Secretary of the District Sports Council.

(2) The Secretary shall subject to the provisions of this Act and the rules made thereunder.

** ** ** ** ** ** **

(iv) examine and cause to be audited the statements and accounts of the Corporation Sports Council, Municipal Sports Council, Town Sports Council, Block Sports Council and Village Sports Council;

** ** ** ** ** ** **

(3) The Secretary of the District Sports Council, shall exercise other powers and perform duties as are conferred or imposed on him by the President of the District Sports Council.

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30. *Settlement of disputes between Councils, Sportsmen and Sports Organisations.*—(1) If a dispute arises in respect of any matter under the provisions of this Act or Rules made thereunder between two or more Sports Councils or between Sports Council and Sportsman or between two or more Sportsmen or between two or more Sports Organizations or between Sports Organization and Sportsmen of a district or between a sports organization and any sports council within the district, the District Sports Council shall have power to settle such dispute.

(2) Any person, Sports Organisation, Sports Club and Sports Council aggrieved by any decision taken by a District Sports Council under this Act or the Rules made thereunder may appeal to the Appellate Tribunal within such time and in such manner as may be prescribed and the decision of the Appellate Tribunal thereon shall be final.

31. *Registration of Sports Organisation.*—(1) Any sports organization carrying activities at the State level or at the district level, may be registered with the State Sports Council as a recognized organization under this Act, and any application for such registration shall be submitted to the District Sports Council or the district in which is headquarters is situated, in such form and subject to such terms and conditions as may be prescribed.

(2) The District Sports Council shall consider the application and if it is satisfied that the conditions for granting recognition have been complied with the application shall be submitted along with its recommendation for such registration to the State Sports Council within sixty days from the date of receipt of application.

(3) If the application is not sent to the State Sports Council within the time limit specified in sub-section (2) with such recommendation or the application is rejected, the District Sports Council shall inform the applicant in writing within seventy five days from the date of receipt of the application.

** ** ** ** ** ** **

(6) Any person aggrieved by any decision of the District Sports Council or the State Sports Council, as the case may be, with regard to the registration of a sports organization may file appeal in the Appellate Tribunal along with the prescribed fees within such time and in such manner as may be prescribed and the decision of the Appellate Tribunal thereon shall be final.

(7) The sports clubs functioning only in the area of any Municipal Corporation or Municipal Council or Town Panchayat or Block Panchayat or Village Panchayat may register as a sports club with the concerned Corporation Sports Council or Municipal Sports Council or Town Sports Council or Block Sports Council or Village Sports Council, as the case may be.

(8) Any application for registration under sub-section (7) shall be submitted to the concerned sports council in such form and in such manner and subject to such terms and conditions as may be prescribed along with the fees prescribed.

(9) Application received under sub-section (8) shall be considered by the concerned sports council and if it is satisfied that the conditions required for such registration have been complied with, such sports club shall be registered or otherwise the fact of refusal of the application shall be intimated to the applicant.

(10) Any person aggrieved by a decision taken under sub-section (9), may appeal to the concerned District Sports Council, within such time and in such manner, as may be prescribed.

(11) The terms and conditions for the registration of Sports Organisation and the withdrawal of such registration and the procedure to be followed by the District Sports Council and the State Sports Council in granting such registration and the privileges of such registered sports organization shall be such as may be prescribed.

32. *Registration of Sports Persons.*—(1) ** ** * ** **

(2) ** ** ** ** ** ** ** ** ** ** ** ** ** ** **

(3) Any person aggrieved by any decision of the District Sports Council, with regard to the registration of sports person, may appeal before the Appellate Tribunal within such time and in such manner, as may be prescribed, and the decision of the Appellate Tribunal thereon shall be final.

** ** * ** **

34. *Grants by the State Government.*—The Government of Kerala shall, after due appropriation made by the State Legislature by law in this behalf, pay to the State Sports Council, by way of grants, such sum of money as it may think fit for carrying out the purposes of this Act.

** ** ** ** ** ** ** ** ** **

41. *Constitution of Appellate Tribunal.*—(1) The Government may, by notification, constitute an Appellate Tribunal for settling any dispute, question or any other matter and for taking decision on appeals to be settled under this Act between,—

(a) State Sports Council and District Sports Council;

** ** ** ** ** ** **

(d) District Sports Councils.

** ** ** ** ** ** **

44. *Appointment of Officers and Staff.*—(1) Subject to the provisions of sub-section (2) the Secretary of the State Sports Council may in consultation with Public Service Commission, and in the manner which is helpful for exercising the powers, duties and functions of all courts under this Act, appoint such officers and staff or the councils with the prior approval of Government, as may be required against posts duly sanctioned by it:

Provided that in all appointments to be made directly, such percentage of posts as may be prescribed shall be reserved for sportsmen.

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45. *Power to make rules.*—(1) ** ** ** **

(2) In particular and without prejudice to the generality of the above said power, in such rules provisions may be made for the following, namely:—

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(g) powers, duties and functions of the Secretary and Standing Committee of the State Sports Council and the District Sports Council;

** ** ** ** ** ** **

46. *Power of State Sports Council to make Regulations.*—(1) ** ** **

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the conditions and procedure for the affiliation of Sports Clubs;

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