

**Fourteenth Kerala Legislative Assembly**

**Bill No. 159**

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**THE KERALA SPORTS (AMENDMENT) BILL, 2018**

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THE KERALA SPORTS (AMENDMENT) BILL, 2018

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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-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Sports (Amendment) Act, 2018.

(2) It shall be deemed to have come into force on the 20<sup>th</sup> day of August, 2018.

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) clause (i) shall be omitted and clause (iA) shall be renumbered as clause (i);

(b) clause (ii) shall be omitted;

(c) clause (ivA) shall be omitted;

(d) in clause (viii) the words “or Town Sports Council” shall be omitted;

(e) for clause (xviiiA), the following clause shall be substituted, namely :—

“(xviiiA) “ Standing Committee” means the Standing Committee of the State Sports Council;”;

(f) clause (xxii) shall be omitted.

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

(a) in sub-section (3),—

(i) under the heading “Elected Members”, the existing clause shall be lettered as “(a)” and after clause (a) so lettered, the following clauses shall be inserted, namely:—

"(b) One member each from each of the District Sports Council, elected by the members of such District Sports Councils from among themselves:

Provided that, any person being elected as member in items (a) and (b) shall not continue as a member in State Sports Council on completion of seventy years of age.

(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 among themselves;

(h) One member elected by the Presidents of the Block Panchayats of the State from among themselves;

(i) One member elected by the Presidents of the Grama Panchayats of the State from among themselves.";

(ii) Under the heading "Members Nominated by Government" clauses "(a) to (g)" shall be omitted and clauses "(h) to (k)" shall be re-numbered as "(a) to (d)";

(b) in sub-section (4), for the words, figures and brackets "and a Vice-President nominated by the Government from among the members specified under the heading 'Elected Members' in sub-section (3) of section 3", the words, figure and brackets "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" shall be substituted ;

(c) in sub-section (7), after the existing proviso, the following proviso and explanation shall be inserted, namely:—

" Provided further that the term of office of a member referred to in item (c) under the heading "Elected Members" shall be one year from the date of his election.

*Explanation.*—A member referred to in the preceding proviso shall not cease to be such member solely on the ground that he has ceased to be the captain of university team within the period of one year specified in the said proviso."

(d) for sub-section (8), the following sub-section shall be substituted, namely:—

"(8) No person shall hold office as President or Vice- President of the State Sports Council for a total period exceeding ten years."

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

(a) in sub-section (1), for the words "an officer not below the rank of a Joint Secretary to Government", the words "an officer not below the rank of a Joint Secretary to Government or the Director, Sports and Youth Affairs" shall be substituted;

(b) in sub-section (3),—

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

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

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

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

5. *Amendment of section 5.*—In section 5 of the principal Act,—

(a) in sub-section (2),—

(i) clause (cA) and proviso shall be omitted;

(ii) in clause (d), the words and symbol "Town Sports Council, Block Sports Council" shall be omitted ;

(b) in sub-section (3), for the words "Administrative Board", the words "Standing Committee" 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. *Standing Committee of the State Sports Council.*—(1)The Government shall for supervising the functions of the State Sports Council, constitute a Standing Committee consisting of the following members, namely:—

(a) President of the State Sports Council ;

(b) Vice-President;

(c) Government Secretary in-charge of Sports Department;

(d) Finance Secretary (Expenditure);

(e) Director of Public Instructions;

(f) Director, Sports and Youth Welfare;

(g) Secretary, State Sports Council;

(h) Seven members elected by the members of the State Sports Council from among the elected members, of whom one shall be a woman and one shall be a member representing the elected members of the District Sports Council and one shall be an elected member from among members representing coaches and famous sports persons.

(2) The Standing Committee shall meet at least once in a month.

(3) The Standing Committee shall supervise the general functioning of the State Sports Council.

(4) The Standing Committee shall meet at such time and place as the President of the State Sports Council decides.

(5) The quorum for meeting of the Standing Committee shall be one-third of its total membership including an *ex-officio* member.”.

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

(a) in sub-section (3), under the heading “ Ex-officio Members”,—

(i) in clause (d), the words “and Roads” shall be omitted;

(ii) after clause (i), the following clauses shall be inserted, namely:—

“ (j) The District Medical Officer (Health and Family Welfare);

(k) The District Medical Officer (Ayurveda).”;

(b) Under the heading “ Elected Members”, the existing clause shall be lettered as “(a)” and after the clause so lettered as (a), the following proviso and clauses shall be inserted, namely :—

“ Provided that any person who has been elected as per clause (a) shall not continue as a member of the District Sports Council on completion of seventy years of age.;

(b) One person elected by the Chairpersons of Municipal Council within the districts from among themselves ;

(c) One person elected by the Presidents of Block Panchayats within the districts from among themselves;

(d) 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-of whom one shall be a woman and one shall be from the Scheduled Caste or Scheduled Tribe;”;

(c) under the heading “ Nominated Members” for the existing items (ii) to (v) under clause (a) the following item shall be substituted, namely:—

“ (ii) one person among the recognised coaches in the District.” ;

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

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

Provided that a member elected to the State Sports Council, from the District Sports Council under the heading “Elected Members” as per clause (b) of section 3 shall not be eligible to be elected as President or Vice-President of the District Sports Council.”;

(e) for sub-section (7), the following sub-section shall be substituted, namely:—

“(7) No person shall hold office of President or Vice-President of the District Sports Council for a total period exceeding ten years.”

8. *Amendment of section 10.*—In section 10 of the principal Act, in clause (a) of sub-section (2), the words and symbols “Town Sports Council, Block Sports Council,” shall be omitted.

9. *Amendment of section 11.*—In section 11 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) There shall be an Executive Committee of the District Sports Council consisting of its President, Vice-President, Secretary and a member to be elected to the State Council under the heading ‘Elected Members’ as per clause (b) of section 3 and five members elected by the District Sports Council from among its members of whom one shall be a woman.”.

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

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

(a) in sub-section (1), for the words “and shall exercise such powers and perform such duties as may be prescribed”, the words “and shall supervise the functioning of the District Sports Council” shall be substituted;



(b) in sub-section (2), for the words "as may be delegated to him by the Chairman from time to time," the words "as may be prescribed" shall be substituted;

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

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

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

(a) in the proviso to sub-section (1), for the word "five" the word "three" shall be substituted;

(b) in sub-section (2), after clause (iii), the following clause shall be inserted, namely:—

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

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

13. *Amendment of Heading of Chapter IV.*— In the heading of Chapter IV, the words and symbol "TOWN SPORTS COUNCIL, BLOCK SPORTS COUNCIL" shall be omitted.

14. *Amendment of section 15.*—In section 15 of the principal Act,—

(a) clause (c) shall be omitted;

(b) clause (d) shall be omitted;

(c) for the words "the State Sports Council may", the words "the State Sports Council shall" shall be substituted.

16. *Amendment of section 16.*—In section 16 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (b), for the words "Commissioner of Police", the words "Police Officer not below the rank of Assistant Commissioner" shall be substituted;

(ii) in clause (c), for the words and brackets "the Executive Engineer (Buildings and Roads)", the words "the Executive Engineer of the Local Self Government Institutions" shall be substituted;

(iii) after clause (h), the following clause shall be inserted, namely:—

"(i) The Health Officer having jurisdiction over the Municipal Corporation area." ;

(iv) under the heading "Elected Members", in clause (a), for the words "three members elected by the Councillors of Municipal Corporation from among themselves of whom one shall be a woman" the words and symbol "five members-elected by the Councillors of Municipal Corporation from among themselves of whom at least two shall be women" shall be substituted;

(b) In sub-section (2), for the words "Members of Corporation Sports Council shall elect a Vice-President from among themselves", the words "The Chairman of the Municipal Corporation Educational Standing Committee shall be the Vice-President of the Corporation Sports Council" shall be inserted.

16. *Amendment of section 18*—In section 18 of the principal Act,—

(a) in sub-section (1),—

(i) under the heading "Ex-officio Members",—

(1) for clause (c), the following clause shall be substituted, namely:—

"(c) the Assistant Executive Engineer, Local Self Government Institutions, having jurisdiction over the Municipal Council area";

(2) after clause (h), the following clause shall be inserted, namely:—

"(i) the Health Officer having jurisdiction over the Municipal Council area";

(ii) under the heading "Nominated Members", for clause (c), the following clause shall be substituted, namely:—

"(c) two Physical Education Teachers in the Municipal area nominated by the Municipal Council, of whom one shall be from college and one shall be from school." ;

(iii) in clause (a), under the heading "Elected Members" for the words and symbol " three members elected by the Municipal Councillors from among themselves, of whom one shall be a woman", the words " five members elected by the Municipal Councillors from among themselves of whom at least two shall be women" shall be substituted;

(b) in sub-section (2), for the words "The members of the Municipal Sports Council shall elect a Vice-President from among themselves", the words " The Chairman of the Municipal Educational Standing Committee shall be the Vice-President of the Municipal Sports Council" shall be substituted.

17. *Omission of section 20*—Section 20 of the principal Act shall be omitted.

18. *Omission of section 21*—Section 21 of the principal Act shall be omitted.

19. *Omission of section 22*— Section 22 of the principal Act shall be omitted.

20. *Omission of section 23*— Section 23 of the principal Act shall be omitted.

21. *Amendment of section 24*.— In section 24 of the principal Act,—

(a) in sub-section (1), under the heading "Ex-officio Members",—

(i) in clause (c), for the words "Circle Inspector", the word "Sub Inspector" shall be substituted;

(ii) for clause (d), the following clause shall be substituted, namely:—

"(d) The Assistant Engineer of the Local Self Government Institutions having jurisdiction over the Grama Panchayat area;"

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) The Chairman of the Standing Committee for Health & Education of the Village Panchayat shall be the Vice-President of the Village Sports Council."

22. *Amendment of section 27.*—In the marginal heading of section 27 of the principal Act, the words "Town Sports Council" and the words and symbol "the Town Sports Council, the Block Sports Council" in the section shall be omitted.

23. *Amendment of section 28.*—In sub-section (1) of section 28 of the principal Act,—

(i) the words "Town Sports Council, Block Sports Council" shall be omitted;

(ii) in the proviso, the words "the Town Sports Council" shall be omitted.

24. *Amendment of section 29.*—In sub-section (1) of section 29 of the principal Act,—

(i) the words and symbol "Town Sports Council, Block Sports Council" shall be omitted.

(ii) after the words "twice in a year", the words "and one of it shall be the annual meeting" shall be substituted.

25. *Substitution of new section for section 30.*—For section 30 of the principal Act, the following section shall be substituted, namely:—

"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 Organisations or between Sports Organisation and Sportsmen of a district or between a Sports Organisation 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."

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

(a) under sub-section (1A),—

(i) in the proviso to clause (iv), for the words, figures and symbol "twelve years or till the completion of eighty years after the date of commencement of the Kerala Sports (Amendment) Act, 2015", the words "a total of twelve years or till the completion of seventy years" shall be substituted;

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

"*Explanation.*—for the purpose of this section, office bearer means,—

(i) President;

(ii) Vice-President;

(iii) General Secretary/Secretary/Honorary General Secretary or other equivalent job;

(iv) Joint Secretary/Honorary Joint Secretary or other equivalent job ;

(v) Treasurer/Honorary Treasurer.";

(iii) in clause (xvi), the words " Sports Council" shall be omitted;

(iv) in clause (xx), for the words "The Secretaries of all Sports Organisations shall be a Sportsman who had participated at least in the State Level", the words "The State Secretaries and District Secretaries of all Sports Organisations shall be a Sportsman who had participated at least in the State Level and District Level" shall be substituted;

(b) in sub-section (2), for the words "forty five", the word "thirty" shall be substituted;

(c) sub-sections (3) and (4) shall be omitted;

(d) in sub-section (5),—

(i) for the words, figures, symbols and brackets "under sub-section (2) or sub-section (4)", the words, figure, symbol and brackets, "under sub-section (2)" shall be substituted;

(ii) after the words, "as the case may be", the symbol and words, "otherwise the refusal of the application shall be informed to the said Sports Organisation within one month" shall be inserted;

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

(f) after sub-section (6), the following sub-sections shall be inserted, namely :—

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

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

(9) The applications received under sub-section (8) shall be considered by the sports council concerned 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 information regarding refusal of the application shall be intimated to the applicant.

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

(11) The terms and conditions for 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 Organisations shall be such as may be prescribed.”.

27. *Amendment of section 31A.*—After sub-section (3) of section 31A of the principal Act, the following sub-section shall be inserted, namely:—

“(4) If the recognition of any organisation is cancelled under this section, the State Sports Council may organise District level and State level competitions of athletic items concerned, in consultation with the Central Federation of such organisation in the manner as may be prescribed.”.

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

“31B. *Permission of Government for organizing competitions.*—Any sports organisation other than a registered sports organisation shall obtain prior permission of the State Government in the manner as may be prescribed, for organizing District level and State level sports competitions in the State in the sports items they represent.”.

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

30. *Amendment of section 37.*—In section 37 of the principal Act,—

(a) in the marginal heading, the words “Town Sports Council” shall be omitted;

(b) in sub-section (1), the words and symbols “Town Sports Council, Block Sports Council,” shall be omitted.

31. *Amendment of section 38.*—In sub-section (1) of section 38 of the principal Act, the words and symbol “Town Sports Council, Block Sports Council” shall be omitted.

32. *Amendment of section 41.*—In section 41 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(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 a District Sports Council;

(b) State Sports Council and a Sportsman;

(c) State Sports Council and Sports Organisations; and

(d) District Sports Councils.”

33. *Amendment of section 42.*—In section 42 of the principal Act, for the words “to be determined by the District Dispute Redressal Committee, the State Dispute Redressal Committee or Appellate Tribunal”, the words “to be determined by the Appellate Tribunal” shall be substituted.

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

(a) in clause (b), the words and symbol “Town Sports Council, Block Sports Council” shall be omitted;

(b) in item (e), the words and symbols “Town Sports Council, Block Sports Council,” shall be omitted;

(c) for item (g), the following item shall be inserted, namely:—

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

35. *Special Provision.*—Notwithstanding anything contained in the principal Act, rules or regulation made thereunder or in any judgment, decree or order of any court, on and from the date of commencement of State Sports Council, District Sports Councils, Corporation Sports Councils, Municipal Sports Councils and Village Sports Councils constituted as per the provisions of the principal Act



as amended by the Kerala Sports (Amendment) Ordinance, 2018 (42 of 2018), the existing State Sports Council, District Sports Councils, Corporation Sports Councils, Municipal Sports Councils and Village Sports Councils shall be deemed to have stand dissolved .

36. *Repeal and saving.*—(1) The Kerala Sports (Amendment) Ordinance, 2018 (47 of 2018) 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) passed in the State of Kerala to provide for promotion of sports and games, to enhance the athletic efficiency 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 defects in the provisions of the said Act in implementing the objects of the said Act in the proper manner.

By amending the said Act, the constitution and functioning of the State Sports Council and District Sports Councils become more democratic and the objectives of the Sports Policy of the Kerala State shall be accomplished.

The amendment also intends to make the activities of various organisations which are functioning in the sports sector in a unified, free and transparent manner. Further, the amendment also proposes to bring in those who are from sports sector as office bearers of Sports Councils and other Sports Organisations and Government have decided to make necessary amendments with regard to age limit and term of office of the bearers and members of State and District Sports Councils. The Government also decided to introduce a new section in the Sports Act with a view to restrict the sports competitions conducted by the organisations which are not legally recognised or fake.

This Bill seeks to achieve the above object.

## FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

## MEMORANDUM REGARDING DELEGATED LEGISLATION.

Sub-clause (b) of clause 3 of the Bill proposed to amend sub-section (4) of section 3 of the principal Act empowers the Government to make rules to prescribe the manner of election of the Vice-President of State Sports Council.

2. Sub-clause (d) of clause 7 of the Bill proposed to amend sub-section (4) of section 9 of the principal Act empowers the Government to make rules to prescribe the manner of election of the President and Vice-President of District Sports Council.

3. Sub-clause (b) of Clause 11 of the Bill proposed to insert sub-section (2) of section 13 of the principal Act empowers the Government to make rules to prescribe the powers and duties of the President in the absence of the Chairman of the District Sports Council.

4. Clause 25 of the Bill proposed to insert sub-section (2) of section 30 of the principal Act empowers the Government to make rules to prescribe the manner of filing appeal to the Appellate Tribunal.

5. Sub-clause (e) of clause 26 of the Bill proposed to amend sub-section (6) of section 31 of the principal Act empowers the Government to make rules to prescribe the fees for filing appeal to the Appellate Tribunal.

6. Sub-clause (f) of clause 26 of the Bill proposed to insert sub-section (8) to section 31 of the principal Act empowers the Government to make rules to prescribe the manner of registration of Sports Club.

7. Sub-clause (f) of clause 26 proposed to insert sub-section (10) to section 31 of the principal Act empowers the Government to make rules to prescribe the manner of filing appeal before District Sports Council.

8. Sub-clause (f) of clause 26 of the Bill proposed to insert sub-section 11 to section 31 of the principal Act empowers the Government to make rules to

prescribe the procedure to be followed by District Sports Council and State Sports Council with regard to the registration of Sports Organisation.

9. Clause 27 of the Bill proposed to insert sub-section (4) of section 31A of the principal Act empowers the Government to make rules to prescribe the manner of conducting competitions in the District level and State level on sports item concerned, if the recognition of a Sports Organisation is cancelled.

10. Clause 28 of the Bill proposed to insert section 31B in the principal Act empowers the Government to make rules to prescribe the manner of seeking permission of the Government by Sports Organisations which are not recognised Sports Organisations to conduct competitions.

11. Clause 29 of the Bill proposed to amend sub-section (3) of section 32 empowers the Government to make rules to prescribe the manner of filing appeal before the Appellate Tribunal with regard to registration of sports persons.

12. Clause 32 of the Bill proposed to amend sub-section (1) of section 41 of the principal Act empowers the Government to constitute by notification, an Appellate Tribunal for deciding on appeals regarding any dispute, question under this Act.

13. The matters in respect of which rules may be made or notifications may be issued, are matters of procedure and are of routine or administrative in nature. Further, the rules so made and the notifications issued are subject to the scrutiny of the Legislative Assembly. The delegation of legislative power is thus, of normal character.

E. P. JAYARAJAN.



notification, constitute with effect from such date, as may be specified in the notification, a State Sports Council to be called "the Kerala State Sports Council".

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

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### Elected Members

One member each from each of the recognized State Sports Organisation elected by the members of such organisation from among themselves.

### 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) five members from among the members of the Legislative Assembly, of whom one shall be a woman;

(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 national or 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;

(k) two members from among the sports journalists; nominated by the Government.

(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 under the heading 'Elected Members' in sub-section (3) of section 3.

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(7) Every member of the State Sports Council, other than ex-officio members, shall subject to the provisions of this Act and the rules made thereunder, hold office until the next reconstitution of State Sports Council:

Provided that no member nominated or elected in his capacity as a member of a particular body or as the holder of a particular office, shall continue as a member beyond a period of three months after he has ceased to be such member or holder of such office unless he again becomes such member or holder of such office within such period.

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

4. *Secretary of the State Sports Council.*—(1) The Government shall, in consultation with the president of the State Sports Council, appoint an officer, not below the rank of a Joint Secretary to Government as the Secretary of the State Sports Council.

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(3) Subject to the provision of the Act and the rules made thereunder the Secretary shall,—

(i) implement the resolution of State Sports Council and its Administrative Board;

(ii) incur the expenditure authorised by the President and the Administrative Board;

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(vi) keep the records of the meetings and the proceedings of the State Sports Council and Administrative Board;

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(4) The Secretary may, with the permission of the Administrative Board, 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) The duty of carrying out the provisions of this Act shall subject to the restrictions, conditions and limitations herein contained, be vested in the State Sports Council.

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

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(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 their management:

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.

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(d) to conduct or organize by the council itself or through District Sports Council, Corporation Sports Council, Municipal Sports Council, Town Sports Council, Block Sports Council or Village Sports Council or to ensure their participation, in tournaments, competitions, training courses, seminars, coaching centres, exhibitions, tours and other items which help in the promotion of sports and games in the State;

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(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 there under to the Administrative Board of the council or its President or Secretary.

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6. *Administrative Board of the State Sports Council.*—(1) The Government shall, for the purpose of supervising the functions of the State Sports Council, constitute an Administrative Board 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 and Youth Affairs 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 Department;

(f) three members of the State Sports Council, nominated by the Government from among the members 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) one 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 elected Administrative Committee shall meet at least once in a month and

(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 one third of its total membership and an *ex-officio* member.

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9. *District Sports Council*.—(1) The Government shall, by notification, constitute a body to be called "The District Sports Council" in every district in the State to exercise the powers and perform the functions conferred on, or assigned to, the District Sports Council under this Act.

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





13. *Powers and functions of the President and Chairman of District Sports Council.*—(1) The Chairman of the District Sports Council 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.

14. *Secretary of the District Sports Council.*—(1) The Secretary of the State Sports Council 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 the 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.

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

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(iii) maintain and keep the accounts of receipts and expenditure of the District 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 Chairman of the District Sports Council.





duties entrusted to him by the President and shall preside over the meetings of the Municipal Sports Council in the absence of the President.

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20. *Composition of the Town Sports Council.*—Every Town Sports Council shall consist of the following members, namely:—

#### Ex-officio Members

- (a) the Chairperson of the Town Panchayat, who shall be its President;
- (b) the Deputy Superintendent of Police, having jurisdiction over the Town Panchayat area;
- (c) the Assistant Executive Engineer (Buildings and Roads), having jurisdiction over the Town Panchayat area;
- (d) the Regional Joint Director of District Municipalities having jurisdiction over the Town Panchayat area;
- (e) the District Educational Director having jurisdiction over the Town Panchayat area;
- (f) the Secretary of the Town Panchayat, who shall be the Secretary of the Town Panchayat Sports Council;
- (g) the Tahsildar having jurisdiction over the Town Panchayat area;
- (h) the Member of the Legislative Assembly representing the Town Panchayat area.

#### Nominated Members

- (a) two persons having achievements to their credit in sports nominated by the Council of the Town Panchayat of whom one shall be a woman;
- (b) one male student and one female student having achievements to their credit in sports nominated by the Council of the Town Panchayat;

(c) two Physical Education Teachers nominated by the Council of the Town Panchayat of whom one shall be from college and other shall be from school.

### Elected Members

(a) three members elected by the Councillors of Town Panchayat from among themselves, of whom one shall be a woman and one shall be a person belonging to Scheduled Caste or Scheduled Tribe;

(b) two persons elected from among the office bearers of the sports organisations and clubs registered with the Town Panchayat.

(2) The members of Town Sports Council shall elect a Vice-President from among themselves and the Vice-President shall discharge the duties entrusted to him by the President and shall preside over the meetings of the Town Sports Council in the absence of the President.

21. *Executive Committee of the Town Sports Council.*—There shall be an executive committee for every Town Sports Council consisting of its President, Vice-President, Secretary and six members, of whom one shall be a woman, elected by its members from among themselves for administering its day-to-day affairs.

22. *Composition of Block Sports Council.*—(1) Every Block Sports Council shall consist of the following members, namely:—

### Ex-officio Members

(a) the President of the Block Panchayat, who shall be the Chairperson of the Block Sports Council;

(b) the Secretary of the Block Panchayat, who shall be the Secretary of the Block Sports Council;

(c) the Circle Inspector of the Police having jurisdiction over the headquarters of the Block Sports Council;

(d) the Assistant Executive Engineer (Building and Roads) of the Public Works Department having jurisdiction over the headquarters of the Block Sports Council;



(e) the Senior Medical Officer of the Community Health Centre having jurisdiction over the headquarters of the Block Sports Council;

(f) the Assistant Educational Officer having jurisdiction over the headquarters of the Block Sports Council.

### Nominated Members

(a) two Physical Education Teachers nominated by the Block Panchayat;

(b) one person nominated by the Block Panchayat from among the office bearers of the Parent-Teacher Associations of the Schools situated in the Block Panchayat area;

(c) two persons having achievements of their credit in sports nominated by the Block Panchayat of whom one shall be a woman.

### Elected Members

(a) three persons elected by the members of the Block Panchayat from among themselves of whom one shall be a woman and one shall be a person belonging to Scheduled Caste or Scheduled Tribe;

(b) two persons elected by the Presidents of Sports Organisations and Clubs registered with the Block panchayat from among themselves.

(2) The members of the Block Sports Council shall elect a Vice-President from among themselves.

(3) The Vice-President, shall discharge the duties entrusted to him by the President and shall preside over the meeting of the Block Sports Council in the absence of the President.

23. *Executive Committee of the Block Sports Council.*— There shall be an Executive Committee for every Block Sports Council consisting of its President, Vice President, Secretary and six members, of whom one shall be a woman, elected by its members from among themselves for managing its day-to-day affairs.



Provided that the term of office of the student representatives nominated to the Corporation Sports Council, the Municipal Sports Council and the Town Sports Council shall be one year from the date of their nomination.

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29. *Meeting of the Corporation Sports Council, the Municipal sports Council, etc.*—(1) Every Corporation Sports Council, Municipal Sports Council, Town Sports Council, Block Sports Council and Village sports Council shall meet at least twice in a year.

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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) one 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 sportman or between two or more sportsmen or two or more sports organisations or between

sports clubs under one sports organization 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 bar practice;
- (c) a sportsman in the District who has participated, or gained recognition, in the State or National Level Competitions;

(5) Any person, Sports Organization, 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) For the redressal of the disputes as mentioned in this Section, the State Dispute Redressal Committee or the District Level Dispute Redressal Committees, as the case may be, shall have the same powers as may be exercised by a civil court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) while trying a suit and the orders of the said Committees shall have the effect of a decree passed by a civil court and the same may be executed through a civil court having jurisdiction.

(7) 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.

(8) 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.

(9) 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.



(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 forty five days from the date of receipt of the application.

(4) On receipt of an intimation under sub-section (3) the applicant may within thirty days submit such application direct to the State Sports Council.

(5) The State Sports Council shall consider an application received under sub-section (2) or sub-section(4) and if it is satisfied that registration shall be given, such Sports Organization shall be registered as a recognized State Sports Organization or a recognized District Sports Organization as the case may be.

(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 before the District Level Dispute Redressal Committee or the State Dispute Redressal Committee, respectively within such time and in such manner as may be prescribed.

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31A. *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 recognised Sports Organization, until a complete and comprehensive enquiry is made, suspend the recognition of that Sports Organization, as an interim measure, namely:—

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

32. *Registration of Sports Persons.*—(1) Any Sports persons may register as a sports person in the District Sports Council and any application for such registration, shall be submitted to the District Sports Council in such manner and subject to such terms and conditions as may be prescribed.

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(3) Any person aggrieved by any decision of the District Sports Council, with regard to the registration of sportsperson, may appeal before the District Level Dispute Redressal Committee.

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37. *Constitution of Funds for Corporation Sports Council, Municipal Sports Council, Town Sports Council, etc.*—(1) Each Corporation Sports Council, Municipal Sports Council, Town Sports Council, Block Sports Council, Village Sports Council, as the case may be, shall constitute a Fund in its name, and shall be credited to such fund the amount received for any special purpose in addition to the amount received from the District Sports Council.

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38. *Budget.*—(1) Every Corporation Sports Council, Municipal Sports Council, Town sports Council, Block Sports Council and Village Sports Council shall, in every year, prepare in such form and within such time, as may be prescribed, a budget for the next financial year showing the estimated receipt and expenditure during that financial year and forward copy of the same to the same to the concerned District Sports Council.

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41. *Constitution of Appellate Tribunal.*—(1) The Government shall, by notification in the Gazette, constitute an Appellate Tribunal for the purpose of deciding the appeals to be disposed under this Act.

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42. *Bar of jurisdiction of Civil Court.*—No suit or other legal proceedings shall lie in any Civil Court, in respect of any dispute, question or other matter which is required, by or under this Act to be determined by the District Dispute Redressal Committee, The State Dispute Redressal Committee or Appellate Tribunal.

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