



November 10th, 2024

Hon'ble Shri Mansukh Mandaviya
Cabinet Minister
Ministry of Youth Affairs and Sports (MYAS)
SP-III Section, Department of Sports
Hall No. 103, Stairs 1
Jawaharlal Nehru Stadium
Lodhi Road, New Delhi 110003

Re: Submission of comments on the draft National Sports Governance Bill, 2024.

Respected Shri Mandaviya:

We extend our gratitude to the MYAS for introducing the National Sports Governance Bill, 2024 (**Bill**), which is a significant step that demonstrates a commitment to enhance transparency, accountability and integrity within the National Olympic Committee, National Paralympic Committee, National Sports Federations and Regional Sports Federations. We believe this will pave the way for good governance of sports in our country.

At the outset, we thank your good offices for allowing us to make our submissions concerning the draft Bill.

To briefly introduce ourselves, AM Sports Law and Management Co. is a fully dedicated sports and gaming law and advisory practice with offices in Delhi-NCR & Mumbai. For over a decade, we have been working with clients in the sports & gaming industry, at all stages, from strategy development, advisory and contract negotiations to league management and representation of stakeholders (athletes/teams/federations) before various authorities/fora and we understand the need for strengthening the sporting culture in India to achieve excellence in sports. Our founder, Ms. Aahna Mehrotra, *inter alia* has contributed to many books on sports law; has represented several athletes in selection procedure dispute against NSFs; is an advisor to Women in Sport India; has been the youngest member to serve as the Vice Chairperson of the National Anti-Doping Disciplinary Tribunal; and was amongst the 200 experts involved, from all over the world (and amongst the only 2 from India), to contribute and review the first ever Global Report on Corruption in Sport published by the UNODC.

In response to the draft Bill, we have collated our suggestions hereinbelow:

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I. BROAD THEMES

The broad themes that need to be addressed in a coherent manner are as follows:

A. The applicability of the National Sports Development Code, 2011 (Code):

The Bill and the Code address several governance related issues in common, some of which, upon promulgation of the Bill, shall be in conflict. The applicability of the Code along with what shall supersede in case of conflict must be explicitly mentioned in the Bill.

B. Robust eligibility criteria for Designated Office Bearers along with age limits and cap on number of terms:

The Code, as well as the constitutions of several National Sports Federations (NSF), lay down the eligibility criteria for its Designated Office Bearers. For example (i) the constitution of the All India Football Federation (AIFF) mentions the duration for which a candidate should have previously served the body / affiliated body; (ii) in line with the Code, the constitution of most NSFs mention that a President may serve a maximum of three (3) terms (each term being four (4) years). The Bill must set a criteria which makes some amount of previous experience mandatory to be eligible to contest for the elections of a NSF as well as put a cap on the maximum number of terms one may serve as a part of the Executive Committee of a NSF.

C. Uniformity of rules (age categories, selections, etc.) with IF's and fair processes:

Most of the disputes between NSFs and athletes have been related to selection. NSFs often tend to devise their own selection criteria, which are not always transparent. The Indian courts have, in most cases, taken the approach that the NSF knows best. The Bill must mandate the NSFs to incorporate, in their rules and regulations, the good practices followed by the relevant International Federation (IF) along with the obligation to mirror some (if not all) of the criteria applied by the relevant IF. For instance, the age criteria to be eligible to play in a certain age category - while the Table Tennis Federation of India (TTFI) uses the norm wherein the age is calculated on 1st January of each year, however the International Table Tennis Federation (ITTF) calculates the date as per December 31st of the relevant year. As per this example, a player who may be due to turn fifteen (15) on November 1st of a year, as per TTFI will become ineligible to participate in TTFI under fifteen (15) competitions throughout that year, however such player would be eligible to participate in ITTF under fifteen (15) competitions. Further, selection criteria for a major sporting event (including how allotment of berth will be dealt with), must be set within a stipulated time frame (upon conclusion of a major sporting event) and published on the website (apart from submitting to the authorities - upon promulgation of the Bill maybe the SRBI) such that each stakeholder is aware of the same.

D. Conflict of interest:

The constitution of the Board of Control for Cricket in India (BCCI) in Rule 38 lays down a comprehensive framework of what may be deemed as Conflict of Interest, which was an amendment made based on the Lodha Committee Report. Further, the draft National Code for Good Governance in Sports, 2017 (NCGGS, 2017) introduced a concept of 'immediate relatives', wherein no two (2) immediate relatives could serve simultaneously on the board of a NSF / NOC and no such immediate relative shall hold the post for a period of four (4) years after the board member of the

relative has been subject to a disqualification event. The Bill may take guidance from both, the BCCI Constitution and NCGGS, 2017, and enforce upon NOC / NPC / NSFs to incorporate similar provisions to the extent applicable.

E. Ensuring autonomy (third party interference):

The Olympic Charter in Chapter 4, Rules 27 stipulates that the NOCs may cooperate with governmental bodies however they shall not associate themselves with any activity which would be in contradiction with the Olympic Charter and that the NOCs must preserve their autonomy and resist all pressures of any kind, including but not limited to political, legal, religious, or economic pressures. A similar provision has been made in the constitution of all IFs that are signatories to the Olympic Charter.

As seen in the past, when a committee of administrators has been appointed to govern the affairs of a NSF, the relevant IF has objected to the same on the pretext of “undue interference / influence by a third party”, which is deemed as a violation of the IF statute.

The appointment of the Sports Regulatory Board of India (SRBI) must carefully be examined and clarified in the Bill to ensure that the same shall not amount to third party interference, thereby ensuring autonomy of the NSFs, in line with the applicable international statutes. Further, as the Bill proposes the formation of the ad hoc committee(s) (wherein the term of such ad hoc committee maybe extended from three (3) months to additional periods of three (3) months), the same must only be done in the rarest of rare cases i.e., after the SRBI has provided both, enough opportunities and assistance to the NSF to fall in line with the applicable laws.

F. Governance of sport for those who are visually and/or hearing impaired:

While the Bill covers governance of Olympic sports and Paralympic sports, the Bill does not take into account the governance of sports for the visually impaired and/or hearing impaired, which are fast growing and the scope of which is proposed to be widened throughout the world. Further, the Bill does not define or deal with the aspect of ‘indigenous sports’.

G. Governance Principles:

*The Bill may take guidance from the principles of good governance established by the Australian Sports Commission, and incorporate similar principles to the extent possible, to create a robust governance Bill for sports in India. A summary note on such principles incorporated in Australia is enclosed as **Exhibit - I** of this letter, for ease of reference¹.*

¹ https://www.sportaus.gov.au/__data/assets/pdf_file/0006/912705/Sport-Governance-Framework.pdf

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II. COMMENTS

We have made an attempt, to the extent possible, to structure our comments in the same flow, that has been preserved by your good offices, for ease of reference.

A. **ROLE OF CHIEF EXECUTIVE OFFICER [Section 2(c)]**

The Bill defines 'CEO' as a chief executive officer.

The Bill also defines the role of the Secretary General as 'the executive officer' in Section 2(e).

According to the requirements provided in Sections 7(k) and 8(k) of the Bill, in line with the international organizations such as International Olympic Committee (IOC) and International Paralympic Committee (IPC), both the National Olympic Committee (NOC) and National Paralympic Committee (NPC) are mandated to appoint a CEO, who must be a salaried management professional with relevant experience (in line with IOC and IPC).

However, in the case of NSFs - Section 9(d) of the Bill states, "...Provided that where the IF specifies a requirement for paid CEO/Secretary General, there will not be an elective post for Secretary General in the concerned NSF." Additionally, Section 9(l) suggests, as good practice, that the NSFs shall endeavor to appoint a CEO with relevant experience.

We submit:

- a. *The current language of the Bill creates confusion regarding the distinct roles, if any, of the CEO and the Secretary-General, especially in cases where both may exist (one being elected and the other being appointed). There is no clarificatory language to suggest that only one (1) of the two (2) may be appointed or how the duties and responsibilities would be allocated if both roles coexist.*
- b. *For the purpose of appointment of a CEO, while the NOC's constitution (in this case being the Indian Olympic Association (IOA)) mentions prerequisites for appointment of a CEO, there are no such criteria and/or prerequisites mentioned for the NSFs to follow.*
- c. *Where a CEO is appointed, it is unclear whether or not he/she will form a part of the Executive Committee, the hierarchy thereof and whether or not he/she will have any voting rights. The NCGGS, 2017 specified the voting rights, bonuses, etc. in relation to the CEO and the same may be used as reference for incorporation in the Bill.*

B. **DEFINITION OF DESIGNATED OFFICE BEARER [Section 2(e)]**

The Bill defines a 'Designated Office Bearer' as any person who holds the office of President, Secretary General/Secretary or Treasurer and may include any other post notified by the Central Government in the relevant registered sports federation hereunder and further, there will be balance of powers and

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responsibilities among different functionaries; the President shall be the head of the body and shall preside over the meeting of General Assembly and Executive Committee, the Secretary shall be the executive officer and shall carry out all decisions of the Assembly and Council, the Treasurer shall be the custodian of funds/accounts.

We submit

- a. *That the definition of Designated Office Bearer is broad, wherein a provision for inclusion of positions at the discretion of the Central Government has been made. Such inclusion of additional positions, if any, shall be subject to certain criteria (only if necessary/ on just grounds).*
- b. *Such an appointment by the Central Government, if any, may also affect the cap on tenure limits (if any) imposed for Designated Office Bearers, and there must be clarity on determination of the same. For clarity, it should be specified that in the case where a member of the EC is deemed as a Designated Office Bearer by the Central Government after the start of such person's term as an EC member - how the term limits imposed would be determined in such a scenario.*

C. DEFINITION OF REGIONAL SPORTS FEDERATION [Section 2(bb)]

The Bill defines 'Regional Sports Federation' or 'RSF' as an organization which is established for the promotion and development of any sport and registered with and recognized as the regional governing body for such sport by the Sports Regulatory Board of India hereunder this Bill.

The Bill omits explicit references to state and district associations within this definition. It is imperative to mention that the terms 'state or district federations' are used in various sections of the draft Bill while RSF is used in other places. This inconsistency may lead to interpretational issues in terms of whether or not district and state federations are included within the scope of RSF.

We submit clarifying the definitions to ensure coherence and usage of the term accordingly for ease of interpretation.

D. ESTABLISHMENT AND RECOGNITION OF NOC, NPC AND NSF

The Code sets broad guidelines on governance which cover recognition, eligibility criteria and term limits among other things. The Code has been upheld as 'binding' in nature by a number of notable High Court judgements. The Bill does not touch upon the applicability of the Code and what would supersede in case of conflict. Some of the inconsistencies in the Bill vis-a-vis the Code are as follows:

1. With regard to the recognition of an NSF, the Bill (Chapter II) does not set standards, as are done by the Code (Annexure II). Some of the pre-requisites set by the Code are that (i) a body must be in existence for more than 3 (three) years on the date of application; (ii) the body must have 2/3rd state associations as members; (iii) the body must have headquarters in New Delhi; and (iv) where a NSF must seek recognition, the NSF must be affiliated to the respective IF of that sport. Further, there are some specific criteria mentioned in the Code for recognition of NSFs dealing with disciplines that are

not included in Olympics, Commonwealth Games and/or Asian Games (Annexure XXXIX). Some of the additional conditions for such NSF are: (i) NSF dealing with the indigenous games should have a pan India reach having affiliations with minimum 2/3rd state associations or union associations, (ii) the NSF must be involved in a sport which has the likelihood of inclusion in major international games like the Olympics, Asian Games, etc., and (iii) there should be availability of the infrastructure and coaches for the sport it is involved in, among others.

We submit that some of the guidelines mentioned in the Code be adapted and included in the Bill. Also, the manner in which the language is currently drafted suggests that a body that is recognized by the SRBI should then ensure membership of the IF, however it is submitted that this be reversed - that only a body that is affiliated with the IF (and in cases where IFs are recognized by IOC then only those IFs) can then be recognized by the SRBI, subject to it fulfilling other requirements like (i) a minimum number of state associations as members; (ii) having held a minimum number of competitions over the recent years (holding of a minimum number of competitions should also form a part of the criteria for annual renewal of recognition); etc.

2. The Code (Annexure II) states that the NSF shall have a legal status as a voluntary registered body, not being a proprietary concern or partnership firm. The Bill under Chapter II limits the NOC, NPC and NSF to be registered as a society registered under the Societies Registration Act, 1860, or a not-for-profit company incorporated under section 8 of the Companies Act, 2013, having the sole object of the development of sports. The language of the Bill further goes on to suggest that similar rules shall apply to RSFs and/or the state and district associations.

We submit that the Bill incorporates that bodies registered under the Indian Trust Act, 1882, be included, as many such bodies exist especially at the district and state level, which are affiliated units of NSFs.

3. Further, the Bill under Section 6(3)(d) states that “if a NSF concerns any sport other than an Olympic sport or Paralympic sport, it shall at all times, maintain affiliation with the IF of the sport, provided that this clause shall not apply for any NSF concerning a sport that does not have an IF”.

We submit that the above does not address a scenario wherein more than one (1) IF may exist for the same sport (like in the case of Esport) and/or also does not address a scenario wherein a sport, which is not an Olympic sport but is governed by two (2) federations - one which is affiliated to IOC and the other which is not, like in the case of Futsal, which is governed by Federation Internationale De Football Association (FIFA) and Asociación Mundial de Futsal (AMF). The submission made in D(1) hereinabove, if added to the Bill, may help address such issues.

4. The Bill also suggests in Section 6(4) that in addition to the NSFs, the RSFs too shall amend their constitution to fall in line with the Bill upon its' promulgation.



We submit that RSFs may not have the wherewithal to amend their constitution as per the requirements of the Bill, in fact some NSFs too in the past have failed to draft constitutions without convolutions, therefore to ensure that the proposed timeline is met with (1 year from the date of promulgation) a model constitution must be provided with the Bill.

E. CONSTITUTION OF NOC, NPC, AND NSF

Chapter III of the Bill provides NOC, NPC and NSF to mandatorily incorporate certain provisions related to eligibility, and tenure, among others. Some of the inconsistencies in the Bill *vis-a-vis* the Code are as follows:

1. The representation of Sports Organizational Members (SOMs) to be elected in general body and voting members has been capped at ten percent (10%) whereas the Code (Annexure II) has set criteria of a minimum twenty five (25%) for prominent sports persons with voting rights in NSF.

We submit that the criteria remain at twenty-five percent (25%).

2. The Bill proposes that the executive committee of a NSF include two (2) representatives elected by the athletes commission, one female and one male (in addition to the 2 SOM's). However, it is not specified who such representatives should be (no criteria thereof).

We submit that clarification be provided on who may be eligible to be nominated as such representatives.

3. The Bill provides that female candidates will occupy at least one (1) Vice President post and one (1) Executive Member post and a total of at least thirty percent (30%) of the EC members shall always be female.

We submit, in the spirit of promoting equality in sports, that at least one (1) Designated Office Bearer be a female or it is suggested that at the very minimum, a female member of the EC forms a part of the quorum of a meeting, at all times. This ensures that women are represented and heard in the decision-making processes.

4. The Bill provides for the age limit to be seventy (70) years on the date of filing nomination, however, the Code (which is also in consonance with the IOC guidelines) in Annexure XIII prescribes that the President, the Secretary and the Treasurer of recognized NSFs and IOA shall cease to hold that post on attaining the age of seventy (70) years.

We submit that the cap on vacating office be kept at seventy (70) years to ensure that the same is in line with IOC / IPC / IFs, such that when the opportunity arises, the Designated Office Bearers / members of the NSFs, can at all times, be eligible to stand for elections of the IOC / IPC / IFs.

5. The Bill permits a Government servant to stand for elections upon obtaining sanction from the Government.

In Annexure XXXII of the Code, the MYAS, taking into consideration the possible conflict of interest, debarred the officers and employees of the Ministry and organizations under its administrative control from holding an elective office in a sports association/federation. While it is a positive step to enable a government servant to hold such office, this makes it necessary to incorporate Conflict of Interest provisions. Further, it is suggested that if such an enabling provision is retained, the same shall be only for one term to avoid any instances of undue influence.

We submit that the Bill must make clear the guidelines for instances that may amount to a conflict of interest, subject to which such sanction may be granted, and certain restrictions be placed in cases of such appointments.

6. The Bill provides that an individual who has served as a Designated Office Bearer of NOC, NPC, and NSF for more than two (2) consecutive terms, each term not exceeding four (4) years, shall not contest for a period of four (4) years after last serving as a Designated Office Bearer. The Bill, however, does not put a cap on the number of terms that a Designated Office Bearer may serve and also does not put a restriction on such a person from being a member of the EC during the suggested cooling-off period.

The Code (Annexure XIII) provides for a maximum period of twelve (12) years for the President to hold office, with or without a cooling-off period. The Secretary (or any equivalent title) and the Treasurer may serve two (2) consecutive terms, followed by a required cooling-off period of four (4) years before they can seek re-election. The IOC Charter also enforces tenure limits for its members and office bearers. The Code (Annexure II) provides a limitation on the office bearers of NSF to not hold an office of any other NSF simultaneously, exempting the IOA.

We submit that more detail be added pertaining to a cap in terms of the maximum number of years for which a Designated Office Bearer may hold office in a NSF and/or be involved in the managing of its' affairs, as well as restrictions be placed in terms of not holding office in multiple NSFs.

7. While the Bill suggests the constitution of the EC of NOC, NPC and the NSF and also briefly touches upon meetings (who will have voting rights, who will preside, etc.), the Bill does not mention and/or suggest any quorum requirements for the meetings of the EC and/or AGM.
8. We submit that quorum requirements be mentioned for EC wherein one (1) athlete representative and 1 (one) female member must be present for each such meeting.

F. FUNCTIONS OF SRBI [Section 12(5) and (8)]

The SRBI is obligated to collaborate with international sports bodies for the development of sports and the welfare of athletes. Further, the SRBI has been given the power to prescribe guidelines for 'vendors, partners, sponsors' of the recognized bodies.

We submit that international bodies may not entertain SRBI, in its current form (as the authority of it is not clear from the Bill and the international bodies will not have any affiliation with the SRBI), to enable any sort of collaboration. Further, giving authority to the SRBI to make guidelines for private parties such as vendors, partners and sponsors may amount to giving it extraordinary powers which may make it difficult to enter into contractual relationships with private entities. Therefore, we submit that such power should not be given to the SRBI, and in the event such power is given to SRBI, there must be some sort of check and balance and extreme caution must be exercised while making such guidelines to not deter sponsors (as we must work towards maximizing investment in sport).

G. CONSEQUENCE OF NON-COMPLIANCE [Section 13]

The Bill provides that the SRBI shall have the rights of audit and inquiry of the NOC, NPC and NSFs and has been authorized as a body which may accept complaints from third parties. Some of the concerns under this Section of the Bill are as follows:

1. The Bill under Section 13(1) states that "The Sports Regulatory Board of India shall have rights of audit and inquiry, and may act suo moto, and shall also accept complaints from third parties. A third-party complaint under this clause shall be accepted by the Sports Regulatory Board of India only after exhausting all available remedies with the NOC, the NPC or concerned NSF, state or district sports federation, for correcting deficiencies, unless it can be shown by clear and convincing evidence that those remedies would have resulted in unnecessary delay."

We submit that if the above must be implemented, a section of the Bill must obligate each body to set up independent dispute resolution bodies, with time limits which must be adhered to resolve disputes (the current language of the Bill in Section 6(e) and (f) seems to suggest that having a dispute resolution body and ethics commission is discretionary). The independence and functioning of such dispute resolution bodies may be monitored by the SRBI (with dispute resolution bodies being required to submit annual reports to the SRBI similar to how it is done by companies to ensure compliance with POSH regulations). If such an independent dispute resolution mechanism does not explicitly exist as per the constitution, it will only lead to it being a prolonged process to be able to reach the SRBI (to first establish that all available remedies have been exhausted or that there is grounds to reach out to SRBI directly), and in sports, at all times, time is of the essence.

2. Further, under Section 13(2)(a) of the Bill, the SRBI has been granted the power to suspend and/or disaffiliate a NOC /NPC and/or NSF based on certain conditions.

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We submit:

- a. *Prior to any form of suspension, especially in cases where a body has not been derecognized by the IF/IPC/IOC, a right to be heard be explicitly mentioned (principles of natural justice be followed), however such right to be heard must be granted within stipulated time periods to ensure the effectiveness.*
- b. *Further, where a body has been suspended by the IF/IPC/IOC, the SRBI, instead of taking an approach to further penalize the relevant body at the national level, be obligated to assist the relevant body in becoming compliant with the stipulations of the IF/IPC/IOC such that the affiliation can be restored at the earliest and ensure maintenance of national dignity.*
- c. *The Bill should also incorporate clear provisions for repercussions in the event the NOC, NPC NSF or RSF is suspended or disaffiliated by the SRBI. The Bill should clearly define the consequences of suspension, such as temporary loss of voting rights, eligibility to participate in official events and/or access to government funding. Disaffiliation, being a more severe action, should have well-defined, long-term implications. This could include permanent exclusion from official sports governance structures, forfeiture of rights to send athletes or teams to international competitions and the loss of eligibility for government support, tax rebates and/or funding.*

H. INTERIM MEASURE [Section 14]

The Bill in Section 14 provides power to the SRBI to take steps that are necessary to protect the rights of Indian sports persons and ensure participation in international sports competitions by forming ad-hoc normalization committee.

We submit that provisions for caution to be exercised towards the formation of such bodies be added as the formation of such ad hoc body may jeopardize the autonomous status of the NOC, NPC and/or NSF and be construed, by international bodies, as amounting to third party interference.

I. PROCEDURE AND DUTIES OF ATHLETES COMMISSION [Section 22 (2) and (3)]

The Bill enables the Athlete Commission (**Commission**) to represent the opinions of athletes and ensure their voice is heard. Further, the Commission is entrusted with the responsibility to *inter alia* advise the NOC, NPC and NSF on the needs of sportspersons on selection and criteria.

We submit that there be built-in a mechanism wherein the SRBI ensures implementation of the suggestions made by the Commission by the relevant body. Further, the Commission and the relevant body (primarily NSF in this case) must be obligated to ensure that the selection and eligibility criteria are in line with the IF and are set within a few months of the conclusion of a major sporting event (Olympics) to enable athletes to prepare for the upcoming major sporting events accordingly. Last but not the least, we suggest that a provision be made wherein it becomes mandatory that at least one (1) representative elected by the Commission must be present at each EC meeting of NOC, NPC and NSF to form the quorum.

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J. APPELLATE SPORTS TRIBUNAL [Section 26 to 34]

The Bill has introduced the Appellate Sports Tribunal (**Tribunal**) to govern any matters that may arise, excluding the matters in which the Court of Arbitration for Sports has exclusive jurisdiction or doping-related matters. The Central Government will prescribe the Tribunal's composition, selection process, and expedited procedures, among other details.

We submit:

- a. *That the Tribunal mirrors the principles laid down by the Court of Arbitration (CAS) (to the extent possible) as far as procedural aspects are concerned such as time limits, appeal grounds, procedures, etc.*
- b. *That the Bill explicitly requires the NOC, NPC, NSF and RSF to include provisions in their constitutions and contracts stating that the Tribunal has exclusive jurisdiction over all prescribed matters, except for those with exclusive jurisdiction wherein CAS and/or anti-doping tribunals have authority.*
- c. *That the Bill replaces the mention of Section 21 of the Indian Penal Code, 1860 with Section 2(28) of the Bharatiya Nyaya Sanhita, 2023 in relation to the definition of 'public servant'.*
- d. *That the Bill replaces the mention of Sections 123 and 124 of the Indian Evidence Act, 1872 by equivalent Sections of Bharatiya Sakshya Adhiniyam, 2023.*
- e. *That the Bill replaces Sections 193, 228, and 196 of the Indian Penal Code, 1860 by the equivalent Sections 229, 267, and 233 of Bharatiya Nyaya Sanhita, 2023.*
- f. *That the Bill replaces Section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 by the equivalent Section and chapter of Bharatiya Nagarik Suraksha Sanhita, 2023.*
- g. *That Hon'ble Minister Shri Kiran Rijju had established the Sports Arbitration Centre of India in Gujarat. While so far there is no clarity on the functioning of it, the same may be looked at for resolution of disputes.*

K. SAFE SPORTS [Section 35]

The grievance redressal mechanism addresses the need for a safe policy with respect to the safety of minor athletes and the protection of women from sexual harassment. Further, it proposes an internal grievance redressal mechanism for each recognized body.

We submit:

- a. *That an independent person, like in the case of a POSH committee, forms a part of the internal committee responsible for grievance redressal.*
- b. *In order to prevent age fraud, it is imperative for NOC, NPC and NSF to implement appropriate measures to check age fraud.*
- c. *In order to prevent betting, gambling and spot-fixing (sports fraud), the Bill should establish clear rules and regulations, including provisions for conviction, suspension and other appropriate penalties for the same.*

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- d. *In furtherance to promote transparency in the governance, the Bill must also implement protection for whistleblowers.*

L. **CONFLICT WITH CODE [Section 42]**

The Bill provides provisions for conflict with rules and regulations, bylaws, directions, and instructions of the Olympic Charter, Paralympic Charter and IF, however, the Bill does not address the conflict between the Bill and the Code.

We submit that the Bill needs to address the applicability of the Code and conflict thereof. Further, apart from suggesting what shall prevail, the Bill should first obligate NOC, NPC and/or NSF's to fall in line with the rules and regulations of the parent body such that there are lesser disputes raised in terms of interpretation and conflict.

Thanking you.

Yours sincerely,

For and on behalf of AM Sports Law & Management Co.,

A handwritten signature in blue ink, appearing to read 'Aahna Mehrotra', is written over a large, light blue, stylized 'AM' watermark that spans the middle of the page.

Aahna Mehrotra

Founder

(with the support & hard work of Ms. Riya Rajkumar Sharma & Ms. Rukaiya Unwala, Counsels).

SPORTS LAW &
MANAGEMENT



EXHIBIT I

SPORT GOVERNANCE PRINCIPLES

The Sports Governance Principles were developed by the Australian Sports Commission in collaboration with state and territory agencies of sport and recreation.

Below is a summary of the nine key principles, for ease of reference:

- A. Principle 1: The Spirit of the Game - values driven culture and behaviors.

This principle emphasizes the importance of fostering a culture that reflects the core values of the sport, promoting ethical behavior and respect among all stakeholders. Policies and structures are important for governance, but they only matter if the committee in the organization actually puts them into action.

- B. Principle 2: The Team - aligned sport through collaborative governance.

It highlights the need for collaboration with various stakeholders in the sports community to ensure that governance structures are aligned and effective.

- C. Principle 3: The Gameplan - a clear vision that informs strategy.

The executive committee is responsible for overseeing the development of the organization's vision and strategy as well as determining the long-term goals.

- D. Principle 4: A diverse executive committee to enable considered decision-making.

This principle advocates for diversity within the executive committee to enhance decision-making processes, bringing varied perspectives and experiences to the table.

- E. Principle 5: The Rulebook - Documents that outline duties, powers, roles, and responsibilities.

It stresses the necessity of having well-defined governance documents that clearly identify the structure and the duties, responsibilities, and powers of all members, chief executive officer, committees, and management.

- F. Principle 6: The Playbook - executive committee processes that ensure accountability and transparency.

This principle focuses on establishing robust processes for the executive committee and members for meetings and decision-making to ensure accountability and transparency in governance and to its members and stakeholders.

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G. Principle 7: The Defense - A system that protects the organization.

Organizations should implement systems that safeguard their interests, including risk management and compliance measures to protect against potential threats.

H. Principle 8: The Best and Fairest - A system for ensuring integrity.

An organization should have measures and protocols to ensure the integrity of the sport and safeguard its participants.

I. Principle 9: The Scorecard - Embedded systems of internal review to foster continuous improvement.

The executive committee should establish mechanisms for regular internal reviews to enable it to monitor performance, track progress against strategy, and address issues of concern.

These principles serve as a foundation for effective governance in sports organizations, promoting a culture of integrity, accountability, and collaboration.

We submit that guidance from these principles can significantly enhance the governance framework within the Indian sports community.

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