

**Press Information Bureau
Government of India
Ministry of Youth Affairs and Sports**

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Safeguarding the interests of sportspersons and provision of effective Grievance Redressal System in the Constitution of National Sports Federations.

Ministry of Youth Affairs and Sports has advised all National Sports Federations (NSFs) to consider that :

- (i) an effective, transparent and fair grievance redressal system and mechanism is provided by each NSF in its constitution/bye-laws for expeditious settlement of any disputes arising between the sports persons and/or support personnel and its various committees constituted for any special task; and
- (ii) a specific provision is made by each NSF in its constitution/bye-laws to the effect that any sports person and/or support personnel aggrieved by any decision or action of an International Sports Association/Federation imposing any penalty or punishment by way of disciplinary action or otherwise may raise that dispute before the Court of Arbitration for Sports (CAS) and/or the International Council of Arbitration for Sports (ICAS) either by himself/herself or through the NSF concerned.

Background

The Government of India has been, from time to time, taking various steps and initiatives to promote good governance practices in the management of sports at the national level. These are based on the Basic Universal Principles of Good Governance of Olympic and Sports Movement and do not interfere with the autonomy of National Sports Bodies, in discharging their functions and duties in accordance with the International Olympic Committee Charter. The Ministry of Youth Affairs and Sports recognizes one sports federation at the national level for each sports being played in the country. The NSFs are, in turn, responsible for promotion of the sports concerned and for participation of sportspersons playing these sports in international and national events. The Government supplements the efforts of these recognized National Sports Federations (NSFs) by providing them necessary financial assistance and various infrastructural and other facilities. However, the Government does not interfere with the internal functioning of these NSFs, duly recognizing their character, which owe their origin in their registration as societies, associations or companies, etc., under the relevant laws. These NSFs are expected to carry out, as per their own constitutions/bye-laws, their day-to-day activities and functions of promoting the sports concerned and safeguarding the interests of sports persons and other support staff including coaches, referees, etc., involved in these sports. The Government, however, has laid down certain guidelines which the recognized NSFs have to observe and follow for securing recognition by the Government as NSFs. For their convenience, these guidelines have all been codified in the National Sports Development Code of India (NSCI) 2011, which has been effective from 31st January, 2011.

One of the important guidelines contained in the said NSCI lays special emphasis on the provision of an effective system and mechanism in the constitutions/bye-laws of the NSFs for expeditious redressal of the grievances of the sportspersons and others involved in the sports concerned. Despite such specific emphasis on the above aspect in the NSCI, disputes often arise between the sportspersons and the managing committees, organizational committees, selection committees, etc., of NSFs, where the affected persons feel aggrieved and often approach the Hon'ble High Courts seeking redressal of their grievances. In almost all such cases, the experience has shown that this Ministry is also unnecessarily made a party and impleaded as a respondent, though this Ministry has hardly any role to play in the settlement of such disputes which are basically internal matters of the NSFs concerned.

Apart from the above, instances have also come to the notice of this Ministry where certain sports persons/coaches and others participating in international events, organized by the international controlling bodies of those sports, have been unjustly penalized or subjected to harsh disciplinary proceedings for trifling faults on their part. In such cases, it has been found that no mechanism has been provided in the constitutions of the NSFs for taking of these matters either by the affected sportspersons or NSFs concerned to the Court of Arbitration for Sports (CAS), and/or the International Council of

Arbitration for Sports (ICAS) both situated at Lausanne, Switzerland, and which are the highest bodies at the international level to resolve sports-related disputes through arbitration and mediation. An examination of the constitution of the CAS and ICAS shows that these bodies entertain disputes only if the federations, associations or other sports related bodies, at the national and international levels, make specific provisions in their regulations for referring such matters to them or agree to such reference by specific agreement.

One such incident of an Indian sports person being harshly penalized by an International Sports Association took place recently attracting nation-wide attention and which was even taken to the Hon'ble Delhi High Court by way of Writ Petition (C) No.8730 of 2014 (Rajiv Dutta Vs. Union of India and Ors.), as that matter could not be taken to the CAS for want of necessary provision in the constitution of the NSF concerned. While disposing of the said writ petition, the Hon'ble Delhi High Court, by its order dated 15th January, 2016, directed this Ministry to consider the prayer of the petitioner that it is essential to ensure incorporation of a specific provision by the NSFs in their constitutions/bye-laws for dispute settlement of such matters by the CAS/ICAS.

Having considered the matter in its entirety, Department of Sports has issued the above mentioned advise to all NSFs.

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