GOVERNMENT OF KERALA

Law (Legislation-D) Department

NOTIFICATION

No. 20410/Leg. D2/2015/Law.

Dated, Thiruvananthapuram,

16th Dhanu, 1191

11th Pousha, 1937.

1st January, 2016

In pursuance of clause (3) of Article 348 of the Constitution of India, the Governor of Kerala is pleased to authorise the publication in the Gazette of the following translation in English language of the Kerala Sports (Amendment) Act, 2015 (Act 1 of 2016).

By order of the Governor,

D. SAJU,
Special Secretary (Law).
THE KERALA SPORTS (AMENDMENT) ACT, 2015

An Act further to amend the Kerala Sports Act, 2000.

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

Be it enacted in the Sixty-sixth year of the Republic of India as follows:

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

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

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

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

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

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

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


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

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

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

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

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

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

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

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

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

(g) for clause (xvi), the following clauses shall be substituted, namely:
“(xvi) “Sports Club” means a sports association registered under the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955 (12 of 1955) or the Societies Registration Act, 1860 (Central Act 21 of 1860) and affiliated to the District Sports Organisation concerned in accordance with the provisions of this Act and the rules made thereunder;

(xviA) “Sports Director” means the officer appointed by the Government as the head of the Sports Department;

(xviB) “sports facility” means any stadium, play ground, open place or any facility which is its part or ancillary to it;”;

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

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

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

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

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

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

(a) in sub-section (3),—

(i) under the heading “Elected Members”, items (b), (c), (d), (e), (f), (g), (h), (i), (j) and the letter and bracket “(a)” shall be omitted;

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

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

(b) 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."

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

"(4) The State Sports Council shall have a president having interest in sports and games, nominated by the Government and a Vice-President nominated by the Government from among the members specified under the heading ‘Elected Members’ in sub-section (3) of section 3;";
(c) the second proviso to sub-section (7) shall be omitted;

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

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

(a) in sub-section (3),—

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

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

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

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

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

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

“(cA) The Government may, for the purpose of renovation of any stadium, playground, open place, swimming pool or other permanent sports infrastructure which are constructed with the financial assistance from the Government or any agency under it and owned or occupied by the District Sports Council or any other organisation registered under it, or for the purpose of its maintenance or management or for both; in case the existing occupants do not manage or maintain the same properly or if the alterations or modifications of the facilities are made for any other purpose not related to sports without the approval of the Kerala State Sports Council, take over 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.”.
(b) in sub-section (3), for the words “Standing Committee”, the words “Administrative Board” shall be substituted.

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

“6. Administrative Board of the State Sports Council.—(1) 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 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.

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

(a) in sub-section (3),—

(i) under the heading “Elected Members”, the items (b) to (e)
and the letter and bracket “(a)” shall be omitted;

(ii) for clause (a) under the heading “Nominated Members”,
the following clause and items shall, respectively, be substituted, namely:—

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

(ii) The Mayor of the District or one person from
among the Chairpersons of the Municipal Councils;

(iii) One person from among the Presidents of the
Block Panchayats in the District;

(iv) Three persons from among the Presidents of the
Grama Panchayats in the District, if their total number is fifty or less and
if it is above fifty, five persons, of whom one shall be a woman and one
shall be a person belonging to Scheduled Caste or a Scheduled Tribe;

(v) two persons from among the approved coaches in
the District; nominated by the Government”;
(b) in clause (b),—

(i) in item (ii), after the words, "One male student and one female student", the words, "and one sportsman and one sportswoman" shall be inserted;

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

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

(iii) item (iv) shall be omitted;

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

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

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

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

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

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

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

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

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

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

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

“(1) The 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.”;

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

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

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

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

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

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

(c) 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 sportsman 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.”

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

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

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

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

(i) It shall be an independent institution registered under the Societies Registration Act, 1860 (Central Act 21 of 1860) or the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955 (12 of 1955) and functioning exclusively for the development of sports;
(ii) There shall be an independent and written bye-law providing for its efficient functioning, election of office bearers from time to time, represent all classes of public, protection of the interests of players, promotion of sports and games, keeping of accounts and auditing and introducing no-confidence motion against the office bearers;

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

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

Provided that the office bearers shall not hold office for a period exceeding twelve years or till the completion of eighty years after the date of commencement of the Kerala Sports (Amendment) Act, 2015, whichever is earlier.

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

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

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

(viii) Membership shall be limited to those belonging to their respective district and where membership is given to individuals and clubs, such membership shall not entail any right of vote to such members in any meeting of the organisation;
(ix) In the State level, there shall be only one recognised organisation for one sports discipline. The properly recognised organisations alone shall be eligible for the admissible financial aids, that is, grants and other benefits including grace marks. There shall be eligibility for grace marks and other benefits only if the certificates issued to the winners and participants of State level competitions conducted by the recognised State Sports Organisations are countersigned by an observer nominated by the State Sports Council. Only one organisation from each district shall be eligible for affiliation of the State Organization. But, atleast ten district level organisations shall be affiliated to the State Organisation;

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

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

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

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

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

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

(xvi) Once in a year the general body meeting, and once in four years or before that according to the term of office of the office bearers a special meeting to elect the executive committee members including President, Secretary and Treasurer, shall be convened;
(xvii) The sportsmen who have participated in the national or international level competitions shall be made members in the sports organisations with the right to vote and their number shall not be less than fifteen per cent of the total membership and their selection shall be in consultation with the State Sports Council;

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

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

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

(c) in sub-section (2), for the word “sixty”, the words “forty five” shall be substituted;

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

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

(f) sub-sections (7) to (11) shall be omitted.
14. Insertion of new section 31 A.—After section 31 of the principal Act, the following section shall be inserted, namely:—

“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 Organisation, until a complete and comprehensive enquiry is made, suspend the recognition of that Sports Organisation, as an interim measure, namely:—

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

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

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

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

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

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

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

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

(i) if the affiliation of a State Organisation is suspended by the National Association or Federation concerned.
(2) The State Sports Council may, after giving the Sports Organisation an opportunity of being heard, withdraw its recognition on any of the following grounds, namely:

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

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

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

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

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

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

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

(2) All grants, grants-in-aid and donations received from the Central and State Governments, Corporates, Associations, Societies, Boards, Trusts or from any other legal source shall be credited to the State Sports Development Fund.
(3) The State Sports Development Fund may be utilised for the following matters, namely:

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

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

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

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

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

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

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

(viii) to provide sufficient insurance coverage to sportsmen who are registered in the Sports Council and is active in the sports field.
(4) The Government shall constitute a “Board of Trustees” with the following members, namely:

(i) Minister for Sports Chairman (ex-officio)

(ii) The Secretary to Government Member (ex-officio)
     (Sports)

(iii) The President, Kerala State Member (ex-officio)
     Sports Council

(iv) The Secretary to Government, Member (ex-officio)
     Finance (Expenditure)
     Department

(v) The Finance Officer of the Member
     Directorate of Sports and
     Youth Affairs

(vi) The Secretary, Kerala State Member
     Sports Council

(vii) Persons nominated by the Five members
     Government from among the
     eminent sportsmen and officials

(viii) The Director of Sports and Youth Affairs, who shall be
       the Member-Secretary and Treasurer.

(5) The affairs of the Trust shall be conducted in accordance with the written Trust Deed, signed and registered under the Indian Trust Act, 1882 (Central Act 2 of 1882).
17. Amendment of section 41.—For sub-section (1) of section 41 of the principal Act, the following sub-section shall be substituted, namely:—

“(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”.

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

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

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

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

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

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

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

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

(2) Notwithstanding such repeal, anything or things done or any action or actions 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.