



INTERNATIONAL
OLYMPIC
COMMITTEE

NOC Relations Department
Ref. No. 2011/PMS/jpy

Mr. Ajay Maken
Minister of Youth Affairs & Sports
Government of India

By fax: +91 11 23381898

Lausanne, 22 March 2011

New sports legislation in India

Dear Minister,

We have been informed that your Ministry has proposed a preliminary draft of new sports legislation in India.

It is, of course, not the intention of the IOC to interfere directly in this process, and we fully understand and respect the fact that such process is under the jurisdiction of the relevant Government authorities in India.

Nevertheless, it is our understanding that the organisations of the Olympic Movement in India (in particular the NOC and National Federations) would be directly impacted and affected by this new sports legislation.

Consequently, with a view to being as constructive and pragmatic as possible, we believe that it is our duty at this stage to kindly recall a number of basic principles of the Olympic Movement with which the new sports legislation of your country should be compatible, in order to allow the national sports organisations to operate in accordance with the minimum principles and rules (one of them being the principle of autonomy) of the international sports organisations to which they are affiliated, if these national sports organisations wish to retain their affiliation and recognition at international level.

To that end, we have attached hereto a copy of the letters we addressed to your predecessor (on 10 May 2010) and to Raja Randhir Singh (on 3 May 2010) in which the IOC's balanced approach between (i) developing harmonious and complementary cooperation with the Government authorities (which is needed) and (ii) preserving the autonomy of national sports organisations and of the Olympic Movement in a country was clearly expressed. It is also worth recalling that these principles and this balanced approach were clearly addressed and explained on the occasion of our meeting with the representatives of the Government of India on 18 June 2010 in Lausanne, during which we received a clear commitment from the Government of India to respect and recognise the principle of autonomy of the sports organisations and the Olympic Charter.

In that framework, the autonomy and the jurisdiction of each entity shall be mutually respected whilst ensuring the best possible cooperation with the Government authorities, as partners. By way of example, we fully understand that if the national sports organisations receive public funds, they must, logically and legitimately, be accountable for the use of such specific funds to the public authorities concerned. This must not, however, be used by the Government authorities to justify interference in the internal operation of these organisations or to treat them as public authorities (which they are not). It should rather contribute, complementarily and jointly, to the development of these organisations and thus sporting activity as a whole.

Consequently, the internal operations (including the composition of the bodies, decision-making mechanisms, holding of meetings, election process, age limit (if any), number of



terms for the elected office-bearers, mechanisms for resolving disputes, etc.) of the national sports organisations shall come under the exclusive jurisdiction of these respective sports organisations. In that field, the Government authorities may suggest but shall not force the national sports organisations to adopt specific criteria. Otherwise, this would be contrary to the principle of autonomy of these sports organisations in their internal operations. As a result, in general, all the provisions relating specifically to the internal functioning of those sports organisations should be established not by law, but in the statutes/constitutions of each of the national sports organisations by sovereign decision of the general assembly of each organisation.

Once again, the IOC does not say whether the criteria mentioned in the new draft sports legislation are appropriate or not (given that there is not one single approach in these matters, but there may be different views and opinions), but says only that the national sports organisations – as autonomous legal entities - should be able to decide by themselves whether they shall adopt such criteria or not (on a case-by-case basis and in accordance with their own statutes). Hence, these criteria might be proposed or suggested by the Government, but should not, however, be imposed.

Consequently, we would like to respectfully ask you to consider your new sports legislation in the light of the above-noted basic principles, so as to respect each one's jurisdiction and thus avoid any breach of the principle of autonomy and incompatibilities with the rules of the Olympic Movement and the international sports organisations to which the national sports organisations in India are affiliated and which allow the representation of India on the international sports scene.

If not, India's representation and participation in upcoming international sports events (in particular for qualification to and participation in the Olympic Games) might be threatened and subject to measures taken by the international sports organisations, and we would be obliged to present this case again at the next IOC Executive Board meeting, which will take place on 5 and 6 April 2011 in London.

We hope that this will assist you in establishing a sound sports policy in your country in close cooperation and consultation with the sports organisations concerned, and we remain at your entire disposal if we may assist you any further, in a positive and constructive manner.

We thank you for your kind attention to the above, and we count on your personal action to resolve this matter in a peaceful manner.

Yours sincerely,

Pere MIRÓ
NOC Relations Director
International Olympic Committee (IOC)

- Cc:
- Jacques ROGGE, IOC President
 - Sheikh Ahmad Al-Fahad AL-SABAH, OCA President
 - Raja Randhir SINGH, IOC Member
 - Indian Olympic Association
 - Association of Summer Olympic International Federations (ASOIF)



INTERNATIONAL
OLYMPIC
COMMITTEE

Dr Manohar Singh Gill
Minister of Youth Affairs & Sports
Government of India

NOC Relations Department
Ref. No. 2010/jpy

Lausanne, 10 May 2010

Your Excellency,

I have been directed by the IOC President, Dr Jacques Rogge, to write to you in response to the letter dated 7 May 2010 which we received from Mr Injeti Srinivas, Joint Secretary of the Ministry of Youth Affairs & Sports in India.

As we stated clearly in our letter of 3 May to Raja Randhir Singh, IOC Member, which came to your knowledge, the issue is not whether a limitation on the number of terms of office and/or an age limit within the organisations of the Olympic Movement (including the NOCs and National Federations) is appropriate or not. Each one has an opinion on these issues, which, as far as we are concerned, we fully respect.

However, our point is that such measures (which relate to the internal operations of those organisations) must not be decided or imposed by law or an external body's decision, but must be decided freely and democratically by the competent organs of those organisations, on a case-by-case basis, and this must be reflected in their respective statutes/constitutions.

This is our understanding of what autonomy of the Olympic and sports organisations means, and it is one of the basic principles that govern the Olympic Movement, which everyone, including the public authorities in each country, must respect if those organisations wish to continue belonging to the Olympic Movement.

It is in this spirit that, although the IOC has adopted its own internal rules in relation to these matters (which are applicable to the IOC only), the Olympic Charter leaves it up to each NOC, as a responsible and autonomous entity, to freely and democratically decide whether they wish to apply similar measures. And we do respect the different approaches in this matter, provided only that the minimum requirements stipulated by the Olympic Charter are respected, i.e. that the officers and members of the executive body of an NOC are elected or re-elected at least once every four years.

In order to further discuss these issues openly and resolve this matter amicably, we would be very pleased to accept your proposal and to organise a meeting as soon as possible in Lausanne.

Nevertheless, until this dialogue is established, it is our understanding that the guidelines which you have issued will not be imposed in a mandatory manner on the organisations of the Olympic Movement in India. Otherwise, we would unfortunately be obliged to consider the protective measures provided for in the Olympic Charter.



We thank you for your kind attention and we count on your understanding and cooperation in order to resolve this matter amicably and in the best interests of the Olympic Movement and the athletes in India.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Pere MIRÓ'.

Pere MIRÓ
IOC NOC Relations Director

Cc: - Jacques ROGGE, IOC President
- Sheikh Ahmad Al-Fahad AL-SABAH, OCA President
- Raja Randhir SINGH, IOC Member
- Indian Olympic Association



INTERNATIONAL
OLYMPIC
COMMITTEE

Raja Randhir Singh
IOC Member

NOC Relations Department
Ref. No 2010/jpy

Lausanne, 3 May 2010

Dear Randhir,

We have been informed of the current situation affecting the NOC and the National Sports Federations in India and, in particular, of the directives issued on 1st May by the Ministry of Youth Affairs and Sports to the NOC and Sports Federations in India.

In view of this, we would like to take this opportunity to clarify the position of the IOC and recall the basic rules and principles of the Olympic Charter with respect to the autonomy of the organisations of the Olympic Movement (in particular the NOCs and the National Sports Federations).

As you know, the Olympic Movement always recognises the fundamental role of the government authorities in the development and promotion of sport at national level and, consequently, wishes for and encourages harmonious relationships with the competent government bodies or public authorities, in order to develop relations on good terms and complementary actions for the benefit of sport and the athletes.

Nevertheless, and this is a fundamental principle enshrined in the Olympic Charter, such cooperation must take place with absolute and mutual respect for the autonomy of these organisations, and respect for their respective powers, prerogatives and remits.

It is this balance which, if it is respected, can best foster the concerted and complementary development of sport and Olympism in every country.

We understand that the national sports organisations exist within the context of sovereign states, but as soon as these organisations choose and decide freely to be affiliated to or recognised by international sporting bodies and thus to take part in international sports events, these organisations must also respect, and be in a position to respect, the rules of these international sporting bodies.

This means, therefore, that the public authorities must respect the autonomy of the organisations of the Olympic and sports movement, and must in no way intervene in or interfere with the internal affairs of these organisations.

For example, the NOC internal operations, decision-making mechanisms, holding of meetings, election arrangements, etc. all come under the exclusive responsibility and competence of the NOC, in accordance with the NOC Statutes and the Olympic Charter, and must not be subject to any external pressure or interference. The same principles also apply for the National Sports Federations which shall establish their specific internal procedures in their own Statutes, in accordance with the regulations of their respective International Sports Federations to which they are affiliated.

In view of the above, the specific issues of (i) the number of terms of the office-bearers and (ii) a potential age limit for the members of the NOC or the National Sports Federations shall not be decided or imposed by law or external body's decision but shall be decided by the respective organisations, on a case-by-case basis, in accordance with the applicable



rules and regulations of the respective international sports organisations to which they are affiliated.

Concerning the NOCs in particular, the Olympic Charter does not impose any limitation to the members of an NOC with respect to (i) the number of terms the NOC office-bearers may exercise or (ii) a potential age limit, which, if any, should be decided by each NOC and established in the NOC Statutes as the case may be.

As you know, this specific matter is governed in particular by paragraph 1.5 of Bye-Law to Rules 28 and 29 of the Olympic Charter which only states:

"The officers and members of the executive body of an NOC shall be elected in accordance with the NOC's statutes, for a term of office not exceeding four years; they may be eligible for re-election."

Consequently, any action taken by an external body in relation to these matters would be viewed as external interferences and as a violation of the principle of autonomy expressed in the Olympic Charter and this might regrettably expose the NOC and the Olympic Movement in India to the protective measures and potential sanctions provided in the Olympic Charter, in particular Rule 28.9 which states:

"Apart from the measures and sanctions provided in the case of infringement of the Olympic Charter, the IOC Executive Board may take any appropriate decisions for the protection of the Olympic Movement in the country of an NOC, including suspension of or withdrawal of recognition from such NOC if the constitution, law or other regulations in force in the country concerned, or any act by any governmental or other body causes the activity of the NOC or the making or expression of its will to be hampered. [...]"

We hope that these clarifications will help ensuring that the autonomy of the Olympic and sports movement in India is respected with the view to develop a mutual understanding with the government authorities and harmonious, complementary and durable relations for the good of sport in India and the athletes in particular.

We thank you for your valuable collaboration and for your appropriate action to resolve this matter amicably whilst making sure that these principles are observed.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Pere MIRÓ', written in a cursive style.

Pere MIRÓ
IOC NOC Relations Director

Cc: - Jacques ROGGE, IOC President
- Sheikh Ahmad Al-Fahad AL-SABAH, OCA President
- Indian Olympic Association