



ROWING FEDERATION OF INDIA

Registered under West Bengal Act XXIV of 1961
Reg.No. S/18918 of 1976-77

33-17/2, Officers Colony, R.K. Puram,
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C P Singh Deo
President

COMMENTS ON THE PROPOSED SPORTS LEGISLATION OF MYAS

1. The proposed sports legislation circulated by the MYAS to all NSFs and other stakeholders is a piece of legislation which will directly impact the autonomy of the NSFs as well as the NOC and cannot be agreed to in its present form.
2. If this is passed by the Parliament of India, it will strike the death knell of Sports in the country. The IOC has clearly stated in their communications to the Hon'ble Minister of Sports and the Secretary General of IOA, that, the Autonomy of the NOC and NSFs is sacrosanct and any deviation from this principle will invite sanctions from the IOC and the International Federations to which the NSFs are affiliated.
3. It imposes Govt intervention at every stage and takes away the flexibility and freedom of the NSFs and NOC, which is enshrined in the ideals of the Olympic Movement and stands to violate the Olympic charter.
4. It is submitted for consideration that any act/order to be formulated in future should bear in mind one very important aspect, i.e IMPROVEMENT OF THE SPORTING STANDARDS IN THE COUNTRY. Any other consideration which may tend to constrict/demoralise/impede development of sports in the country, MUST be avoided at all costs
5. The proposed Act does not address the main reasons for the non-availability of sporting talent the country. There are no incentives for a child in school or college to pursue a career in sports. The playing fields of schools & colleges should be the nurseries from which our future champions should emerge by a systematic and continuous practice of their chosen sport. Excelling in sports does not open up any avenue for employment or rehabilitation for a sportsperson at the end of his/her sporting career. Outstanding athletes are quickly forgotten. This is the root cause of our poor achievements.
6. ***The main areas of contention in the proposed Draft Legislation, are enumerated in the succeeding paragraphs :-***
 - 6.1. Accountability for non compliance vests on the NOC and the NSFs only, there is NO accountability on the various agencies in the MYAS and SAI, which deal with NOC and NSF matters. It is totally one-sided.



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- 6.2. **Chapter I, Para 2 (zz)** - Minutes of any “Special Resolution” passed by the NOC/NSF has to be signed by ALL the Office Bearers AND attested by an Observer deputed by the Govt. It is considered sufficient if the Chair of the meeting signs the Minutes and it is passed by the next meeting of the General Body as per present practice. There is no requirement of a Govt Observer to be present at the meeting when an Observer from the IOA is invariably present.
- 6.3. **Chapter II, 4** - A 15 Member “Council” is proposed to be set up having only advisory and consultative functions. The composition is to be decided by Govt. There will be minimal representation from 3 NSF's of which, only 2 will represent Olympic disciplines. It will include many Govt representatives with the Chair to be an “eminent” Athlete, while so, the Secretary General of the IOA will be a mere member, which is not acceptable.
- 6.4. The Council should be lean (5/7 members) with more representation of NSF's of Olympic disciplines and NO Govt presence, since it is purely advisory and consultative in any case and will not wield any authority.
- 6.5. Financial support for the Council is proposed to be provided from the National Sports Development Fund (NSDF). The NSDF is a contributory fund from Corporates and other agencies and meant for support to NSF's for training and equipment and should not be diverted and frittered away for meeting establishment expenditure of a toothless Council. The financial support should be provided from the Sports Budget, including Secretarial support and an Office.
- 6.6. The above Council should have overriding powers over the MYAS proposals and policies, since it would represent the voice of the NSF's who are the main stakeholders and the main beneficiaries.
- 6.7. **Chapter III** - The Govt has wide ranging authority without any accountability, it can initiate unilateral and unhindered action against the NSF's. The NSF's are fully accountable with no recourse to appeal or redress of their grievances. On the other hand, the SAI, which is the instrument of delivery, is **NOT AT ALL ACCOUNTABLE** and can do what it pleases. It would be fair to place the MYAS as well the SAI under the proposed Sports Ombudsman also.
- 6.8. **Chapter IV.**



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Para 6, (h) (i) – The constitution and Bye Laws of IOA may remain fully compliant with the Olympic Charter, but there is NO requirement of this aspect to be “fully compliant with the Act. This para needs to be reworded accordingly.

Para (h) (l) – There is no requirement for IOA to report to Parliament every 4 years in the manner stated. This is the responsibility of the MYAS. IOA will continue to report to the IOC.

Para 3 – Not agreed. The Govt. cannot coerce the IOA to amend its constitution and bye laws. This has already been done on the advice of the IOC and any amendments to the constitution vests with the wisdom of the General Body of the IOA. No external agency can impose its will on the Democratic functions and will of the General Body. It amounts to impinging on the autonomy of the NOC.

6.9 Chapter VI

Para 9 (5) – The Govt Observers for NSFs should be appointed in consultation with the concerned Federation. It has been observed that the Govt. Observer appointed unilaterally by the Govt. acts like a policeman and is more of a hindrance and of not much assistance.

6.10 Chapter VII

Para 10 (2) – This is not agreed. The Constitution amendment and Bye laws will be amended as per the wishes of the General Body of the Federations, in conformity with the Olympic Charter, IOA, and the International Federation. Interference of the Government or any outside agency amounts to diluting the autonomy of the Federation, therefore it cannot be agreed.

6.11 Chapter VIII

Para 15 (1) (a) As per the directions of the IOC there should not be any restriction on age and tenure of office bearers of the NOC and NSF and should follow the directions/provisions of their Ifs and respective constitutions. These bodies cannot be coerced by Govt legislation to amend or modify their constitution, if this violates the sovereignty of their respective General Assemblies.

Para 15 (1) (c) – The Athletes Advisory Council with full voting rights should be constituted by inclusion of a certain number of retired athletes also. The para may be amended accordingly.



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6.12. Chapter XI

Dispute Resolution: Para 23 part (1,2, 3) - The IOA has resolved that an Appellate Authority will be set up on the similar lines as the Court of Arbitration for Sports (CAS) in Lausanne, as directed by IOC.

Therefore, it is not necessary to have another organisation to be called the Sports Ombudsman under the proposed act.

Nevertheless, if the Govt. still goes ahead to set up the Sports Ombudsman, it would be fair to bring the concerned officials in the Ministry of Sports and SAI under purview of this Ombudsman also.

It is seen that only the NOC & NSF's are being held accountable under the proposal, whereas, those responsible for delaying and putting impediments in proposals/functioning of the NOC & NSF's are not accountable in any manner.

6.13 Chapter XII

Accounts, Audit & Inspection, Para 25 section (2) – It has been proposed to audit the grant-in-aid received by the NOC & NSF's if it exceeds Rs. 1.00 crore in a year. This may be increased to Rs.2.00 crores on account of the high inflationary trends witnessed for commodities/travel/airline fares/ hotels abroad/equipments etc.

6.14 Chapter XIII

Para 27 section (1,2&3): Power to make Rules – Any modification to rules, regulations, schedules, schemes, etc., under the provisions of the proposed act should be made after proper consultation with the NOC & NSF's and not in an arbitrary manner as is being proposed in the Act.

6.15. FIRST SCHEDULE (Section 5)

Guidelines for Preparation of 4 year development Plan - Para 1.7.2 (xii) - The Govt may consider providing a grant for maintaining a website for the NSF's. Under provisions of this act a large amount of data has to be placed on the website which requires professional management and will involve large expenditures. It is difficult for the NSF's to meet the cost of maintaining such a website within its limited resources.

6.16. THIRD SCHEDULE (Section 10)



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Para 3.11 - The requirement to have the headquarters of the paid Joint Secretary/Assistant Secretary at Delhi may be removed. The NSF's should be free to choose the headquarters of the paid Joint Secretary/Assistant Secretary, depending upon the convenience and location of the NSF's Secretariat. All NSF's are not located in Delhi.

Excepting the above the Rowing Federation of India agrees to all the other provisions under the proposed act.

The Federation also recommends that the Govt, through legislation, brings in suitable incentives and such innovations as may be appropriate, to encourage more children to participate in Sports and Games in their Schools and Colleges and maintain the continuity with an AIM to become future champions of the country. If implemented, it would result in parents actively encouraging their wards to take up sports and not hinder their children, as is the trend today.

CP Singh Deo,
President, Rowing Federation of India