

National Sports Governance Bill 2024:

Revolutionizing Indian sports administration

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Introduction

The Ministry of Youth Affairs and Sports published the **Draft National Sports Governance Bill, 2024** (the Draft Bill), in October [comments](#) and invited suggestions and comments from the public. Post-consultation, the revised Draft Bill will progress through the parliamentary process, marking a significant step in restructuring sports governance. The Draft Bill places a strong emphasis on the advancement and promotion of sports, the welfare of sportspersons, and ethical practices through good governance.

This bold initiative to reform governance in Indian sports has been introduced to bring sports federations in line with international best practices. Furthermore, the Draft Bill proposes various mechanisms for the resolution of sports grievances and disputes, reflecting the government's commitment to promote and further Indian sports.

Background and purpose

India's sports ecosystem had been tumultuous in its initial years but has seen massive growth over the last few years. The industry has been marred with issues such as transparency, corruption, and minimal athlete representation. The Draft Bill seeks to address these systemic challenges, providing a unified framework for governance, dispute resolution, and equitable treatment of stakeholders.

The Draft Bill seeks to reform the governance of National Sports Federations (NSFs), the Indian Olympic Association (IOA), National Olympic Committee (NOC) and the National Paralympic Committee (NPC). Currently, these bodies are governed by the National Sports Code, 2011, which emphasises transparency and accountability. The Union Cabinet rejected a similar Draft National Sports Development Bill that was proposed in 2013. Athletes' protests, judicial intervention, and the lack of transparency of the sports bodies' operations all contributed to the formation of the Draft Bill.

Key provisions of the draft bill

I. Sports Regulatory Board of India

The creation of the Sports Regulatory Board of India (SRBI), a central regulating body, is one of the Draft Bill's main features. Elaborated in Chapter II of the Draft Bill, this authority is responsible for recognizing organizations like the NOC, NPC, and NSFs and ensuring their compliance with the ethical, financial, and governance guidelines. In addition, SRBI has the authority to conduct audits and investigations, act on a *suo motu* basis, and receive complaints from third parties. On receipt of a complaint, the SRBI can exercise discretion to suspend or revoke the recognition of NOC, NPC, NSF, state, or district sports federations. Notwithstanding the laudability of these initiatives by the government, two potential issues are worth flagging: *firstly*, there is inconsistency and lack of clarity on appointment procedures, eligibility, and qualifications for the members of SRBI; *secondly*, There appears to be an attempt to separate national sports and international sports which may not be practical as it is the same sportspersons competing on both the national stage and the international stage; for instance, while the functions and duties of NOC is development of Olympic sports and selection of sportspersons for the Olympics, the functions and duties

of an NSF is “to function as the apex body for its sport in India” and “promote and develop the sport all over India”.

II. Institutional mechanisms

The Draft Bill introduces provisions for institutional mechanisms and governance of the NSF, NOC, and NPC, including the creation of Ethics Commissions and Dispute Resolution Commissions for resolving internal matters. These measures aim to tackle issues of corruption, conflict of interest, and improve accountability and transparency in sports organizations. There are concerns with respect to lack of clarity in the scope of ethical issues within the Commission’s jurisdiction, leading to a potential overlap between the NOC Dispute Resolution Commission and the NOC Ethics Commission. It is recommended that there ought to be a clear demarcation of jurisdictional boundaries of both commissions. A definitive timeline for the formulation of procedural guidelines needs to be established.

III. Alignment with global standards

The objectives of the Draft Bill intend to bring Indian sports governance into compliance with international standards by incorporating the principles of the Olympic and Paralympic Charters into the constitutional documents and practices of the NOC, NPC, and NSFs. The conduct of the elections will be as per rules prescribed by the SRBI, in accordance with the Olympic and Paralympic Charters, guidelines from the IOC, IPC, and International Federations.

IV. Athletes’ representation and welfare

Another key provision of the Draft Bill is the creation of an Athletes Commission in the NSF, NOC, and NPC within six months of the Draft Bill’s enactment. Clause 22(1) details the commission’s role in ensuring athletes’ representation in policy formulation and decision-making processes. To remove any ambiguity, it is essential that the provisions regarding the athletes’ representation be clear and unambiguous. Through the Draft Bill, it has also become mandatory for all recognised bodies to give sportspersons representation in governance. This aimed to not only maximise athlete representation in the NSF, NOC, and NPC, but to bring about practical and grassroot changes in the decision-making process based on sportspersons experience from competing in national or international sporting events. The Athletes Commission is empowered to establish procedures for meetings and will work with the NOC, NPC, and NSF to develop sports policies, and to receive financial support from the government to fulfil its duties. A formal recognition of a voting or veto power to the Athletes Commission may give more a concrete form to their rights.

V. Welfare of Athletes

Chapter XI of the Draft Bill encourages a Safe Sports Policy to address the safety and protection of minor athletes and requires government support for athlete welfare. It mandates compliance with the Protection of Women from Sexual Harassment Act, 2013. The Draft Bill also ensures confidentiality regarding matters such as athletes’ performance quality, injuries and information confidentiality under the National Anti-Doping Act, 2022, and associated rules.

VI. Right to Information Act, 2005 (RTI Act)

Per Chapter XII, the Draft Bill proposes to subject the NOC, NPC, and NSFs to the RTI Act, ensuring transparency in their operations. By designating these bodies as public authorities, the Draft Bill aims to enhance accountability in their management and decision-making processes. However, exceptions are carved out to protect athletes’ privacy and maintain confidentiality in doping-related matters. However, the broad exclusion of selection or appointment, of coaches, sportspersons, and trainers from the ambit of clause 32(6)(a), could balance the requirement of transparency by providing detailed guidelines for such selections.

VII. Creation of the Appellate Sports Tribunal

A notable provision is the establishment of an Appellate Sports Tribunal. This tribunal has the same powers as a Civil Court under the Code of Civil Procedure, 1908. It is also empowered to handle all pending sports-related matters, except those concerning the Olympic Games, Paralympic Games, Commonwealth Games, Asian Games and other international sporting events. It aims to expedite the resolution of disputes, and the

Tribunal's decisions can be appealed before the Supreme Court of India. To prevent significant delays in adjudication, which would also undermine the Draft Bill's objective of ensuring a speedy and fair resolution of disputes, the Tribunal's discretion to rehear transferred pending cases should be limited. The cases which have already reached at an advanced stage such as the completion of evidence or once both parties have completed all their submissions, need not be re-heard.

Impact on relevant stakeholders

1. Evaluating the impact of the Draft Bill on various stakeholders is especially relevant considering that it is open for feedback and consultation.
2. The Draft Bill is an attempt at democratising sports governance, particularly by introducing representative voices from athletes in decision making bodies. However, the broad definition of 'sports person' in clause 2 (cc) as "a person who participates in a sport" does not clarify the scope of the most relevant stakeholder in the discourse.
3. On the question of diversity, the commitment of the Draft Bill to ensure that 30% of the members of Executive Committees in sports organisations are women, encourages underrepresented categories within sportspersons to occupy leadership positions. Moreover, the Draft Bill is an attempt towards the holistic well-being of athletes, by mandating the compliance of NSFs with the Protection of Women from Sexual Harassment (POSH) Act, 2013, the establishment of grievance redressal mechanisms between athletes and coaches, and the inclusion of post-retirement support.
4. Sports Federations are held to higher standards by this Draft Bill, tasked with transparent selection of athletes, compliance with various workplace safety laws, and financial transparency via public disclosure. The impact of this ethical oversight, is intended to repose the faith of athletes, fans, and the international community in the systems governing Indian sports.
5. While the establishment of an Appellate Sports Tribunal may reduce the burden on civil courts, and provide technical expertise for resolution of sports-related disputes, it may contribute to the backlog of cases at the apex court, and thus not provide speedy dispute resolution. Moreover, there are certain irregularities with this attempt. For instance, multiple cases are pending before the Courts involving NSFs. Once the Bill is enacted all these cases will be transferred to the Tribunal giving the Tribunal exclusive jurisdiction on such matters and absolute discretion to decide whether the Tribunal wants to hear the matter from the stage at which it was pending before a civil court or if it wants to hear the matter afresh. Additionally, granting more power to the SRBI could undermine the IOA's and NSF's autonomy leading to a violation of the International Sports principle of independence from governmental interference.

Conclusion

Given India's aspirations to host the 2036 Olympics, the Draft Bill presents an opportunity to create a more accountable and athlete-friendly sports ecosystem which is adherent to international standards. However, its success will depend on addressing the concerns over autonomy, governance, and athlete representation to ensure a balanced and inclusive approach. While the Draft Bill promises transformative reforms, challenges such as resistance from entrenched interests and capacity building among stakeholders remain. Effective implementation will require coordinated and sustained efforts amongst government, sports bodies, and athletes.

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