

Unpacking the National Sports Governance Bill

The National Sports Governance Bill, introduced in Lok Sabha on July 23 by Sports Minister Mansukh Mandaviya, proposes two major changes to sports governance in India:

- Formation of a National Sports Board with sweeping powers to oversee federations, including the BCCI
- Establishment of a National Sports Tribunal with civil court powers to decide disputes from athlete selections to federation elections

Appeals against Tribunal decisions shall lie to the Supreme Court.



Historical Context and Need for the Bill

Long-Standing Need

The need for a sports regulator was first mentioned in the Draft Comprehensive National Sports Policy 2007, proposing a SEBI-type body to establish a unified national structure for sport.

Previous Attempts

Many provisions in the current Bill originate from National Sports Development Bills drafted but not passed in the early part of the last decade.

Enhanced Capacity

With a National Sports Board, the regulatory capacity of the government will increase, allowing for specialised staff with legal and auditing expertise to evaluate how the 56 National Sports Federations and their affiliates are being run.



Addressing Judicial Intervention in Sports

In the absence of legislation, the Sports Code of 2011 has been the administrative instrument to establish standards for government recognition of National Sports Federations. However, this was always a stopgap measure with chequered implementation.

This regulatory failure led to extensive judicial intervention in sports bodies' affairs, especially with many federations being poorly run. However:

- **Many court cases have remained unresolved for years**
- **Some courts have walked back their own judgments**
- **Numerous federations are being run by ad hoc bodies**
- **Almost every federation election is now challenged in court**

As Nandan Kamath notes, "This is not sustainable."



The end goal of judicial intervention should be public interest and healthier sports institutions, not just "cleaning the stables."



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The National Sports Tribunal

"Having time-bound procedures and sports-aware people in dispute resolution is preferable to keep sport healthy and moving forward."

- Nandan Kamath, Sports Lawyer



Standalone Model

While this will be a first for sport in India, standalone dispute resolution chambers and tribunals is the model followed in sport globally.



Civil Court Powers

The Tribunal will have powers of a civil court to decide a range of disputes from selections of athletes to federation elections.



Time-Bound Resolution

Designed to provide faster resolution than traditional courts, with appeals lying only to the Supreme Court.

The success of the Tribunal will depend on having well-qualified, independent-minded members free from conflicts of interest.

The National Sports Board: Powers and Transparency

Powers and Scrutiny

The powers proposed for the Board have always existed with the Sports Ministry. However, establishing the Board as a statutory public institution with defined roles will increase:

- **Public scrutiny**
- **Transparency in how powers are exercised**
- **Information about sports bodies**

Governance Approaches

The Bill proposes that the Board will register all affiliated units of the National Sports Federations, enabling:

- **Governance through information** – making sports bodies more visible
- **Governance through standard-setting** – like SEBI does with listing standards
- **Governance through framework alignment** – bringing the system together





Controversial Aspects: Age Limits and Tenures

Age Limit Raised to 75

The Bill raises the age limit for administrators to 75 years and removes tenure restrictions that previously existed.

Justification

It has been argued that these concessions are needed to enable more Indian administrators to secure leadership positions in international sports bodies, which requires time and experience.

Concerns

"Such perceived benefits must be balanced with the obvious risks of entrenchment and institutional capture. It is important to tread carefully." – Nandan Kamath



This change could significantly impact the BCCI, whose constitution currently allows a maximum of three terms of three years each, after which an office bearer cannot be elected again.



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Impact on BCCI and Cricket Governance

Historic Change

The BCCI has never been under government regulation or recognised as a National Sports Federation. However, reports suggest the intention is for BCCI to come under the ambit of the new law.

Key Changes for BCCI

- Removal of existing age and tenure clauses in the BCCI constitution
- Potential membership in the Indian Olympic Association given cricket's inclusion in the forthcoming Olympics
- Oversight by the National Sports Board
- Disputes to be handled by the National Sports Tribunal



This represents the most significant regulatory change for cricket administration in India's history.

Dispute Resolution for Athletes

Internal Dispute Resolution

According to the Bill, the first port of call for disputes will be the internal dispute resolution chamber of the respective federation.

National Sports Tribunal

Appeals from internal chambers will go to the National Sports Tribunal, similar to international sports dispute resolution structures.

Supreme Court

Final appeals will lie only with the Supreme Court, not with other courts.

This structure mirrors global sports dispute systems like FIFA's, where participants are barred from approaching ordinary courts and must use specialized dispute resolution mechanisms.

"Keeping dispute resolution accessible, financially viable and fair to athletes will be a critical aspect of good governance."

– Nandan Kamath, Sports Lawyer



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