



## FEEDBACK – (Draft) National Code for Good Governance in Sports, 2017

*(Note: MYAS shared draft Code on 7 October 2019. On 24 October 2019, it was informed that feedback has to be submitted on or before 10 November 2019. Due to limited time given for feedback, only key observations have been noted.)*

### 1. TITLE:

Sports is a broad narrative, which includes various aspects. But this Code only covers some features of amateur governance of sports Federations/ Associations and does not include other aspects including league and professional sports. Accordingly, **the title may be reconsidered** – 'National Code for Amateur Sports Governance, 2017' or 'National Code for Good Governance in Amateur Sports, 2017'.

### 2. OMISSIONS:

The scope of this Code does not include/ specify:

1. International Paralympic Committee (IPC) and Paralympic Committee of India (PCI).
2. There is no differentiation mentioned for National Sports Federations (NSFs) that exclusively govern sports for the disabled and Special Olympics. Many provisions of this Code are not applicable in the context of such Federations.  
Note: The term 'disabled' is used as per the reference in the IPC guidelines.

### 3. PRELUDE:

1. The composition of the International Olympic Committee is distinct having individual members unlike the IFs, NOCs and NSFs with member organisations. This should be considered in the adaptation and application of rules in the context of sports organisations in India.

Olympic Charter – 16 Members: **[Annexure 1]**

*"1.1. IOC members are natural persons. The total number of IOC members may not exceed 115, subject to BLR 16. The IOC is composed of:*

*1.1.1 a majority of members whose memberships are not linked to any specific function or office, including up to five members who may be elected in special cases; their total number may not exceed 70; except for the five members referred to above, BLR 16.2.2.5 shall be applicable and there may be no more than one such member national of any given country, as defined in and subject to BLR 16;*

*1.1.2 active athletes, as defined in BLR 16.2.2.2, the total number of whom may not exceed 15;*

*1.1.3 Presidents or persons holding an executive or senior leadership position within IFs, associations of IFs or other organisations recognised by the IOC, the total number of whom may not exceed 15;*

*1.1.4 Presidents or persons holding an executive or senior leadership position within NOCs, or world or continental associations of NOCs, the total number of whom may not exceed 15; there may be no more than one such member national of any given country within the IOC."*

*R. Gupta*

**INDIAN OLYMPIC ASSOCIATION**

Olympic Bhawan, B-29, Outub Institutional Area, New Delhi-110 016 (INDIA) T: +91 11 2685 2479-84

E: [ioa@olympic.ind.in](mailto:ioa@olympic.ind.in) W: [www.olympic.ind.in](http://www.olympic.ind.in)

2. The International Federations (IFs) govern the sport, regulate its rules, competitions, etc. but do not select team/ athletes representing it to participate in competitions whereas that is one of the key functions of the NSFs. The differences in the role and functions should be factored while considering regulations in the context of IF/ NSFs.

#### 4. DEFINITIONS (Article I):

1. There is no definition of 'Athlete', as in the case of other sports legislations/ code globally.
2. *Article I (e): 'CEO'* – The Chief of Staff in different sports organisations have different titles. Currently, it is Director General in the Indian Golf Union, Executive Director in the Boxing Federation of India, General Secretary in the All India Football Federation, etc. **Would the use of 'CEO' as the sole title for Chief of Staff necessitate all sports organisations to change policy and re-designate staff? Or would the revised draft include Chief of Staff by whatever designation such post may be called?**
3. *Article I (f) i.: 'Disqualification Event' – "Attainment of the age of 70 (seventy) years"*

In the past, the term of an IOC member was till he/ she attained the age of 80 years, which entailed members a long span of 15 – 35 years at the IOC. Further to the IOC reforms in 1999, the age restriction of 70 years was introduced in the Olympic Charter.

Olympic Charter – 16 Members:

*"3.3 Age limit: 3.3.1 Any IOC member ceases to be a member at the end of the calendar year during which he reaches the age of 70, subject to Rule 16.3.3.2 and BLR 16.2.6.1."*

IOC has also made provisions for exceptions in the case of age limit.

Olympic Charter – 16 Members:

*"3.3.2 Extension of age limit: 3.3.2.1 The Session may, on the proposal of the IOC Executive Board, extend the age limit for any IOC member who is not subject to the transitional provisions set forth in BLR 16.2.6.1, 35 Olympic Charter in force as from 26 June 2019*

*3.3.2.2 There may be no more than five such IOC members for whom the age limit is extended at any time.*

*3.3.2.3 Any extension will be for up to a maximum of four years."*

Given the fact that 75 out of the current 115 IOC members are elected in their individual capacity and that their average age is about 35 – 48 years (the youngest member is 24 years old), members still get a long duration of approx. 15 – 25 years at the IOC, renewed by election. Generally, all members of the IOC are re-elected at the end of the term.

Considering the longevity of a person's term at the IOC, the rule of relieving membership at the age of 70 years is optimal for the IOC. But given the differences in the membership and governance structure between the IOC and NOC, that rule of age limitation cannot be implemented in toto for all members on the Board of the NOC. If there has to be a limitation, **75 years is proposed as the age-limit.**

It is to be noted that the International Olympic Committee has not enforced the norm of age-limit on International Federations. Some IFs have age-limits whereas some do not. The NSFs should be permitted to follow the age-limit as per the governance principle of the respective IF.

Besides, there is no law of the land that limits the age of a person for honorary service in a society or non-profit organisation.

Review of point vi. is mentioned later.

4. *Article I (l):* Correct it as – "IOC shall mean the International Olympic Committee, the supreme authority of the Olympic movement." (Mere Games is limiting the role of the IOC.)
5. *Article I (m):* 'Immediate Relative' – Explained later.

R. Muthu

6. *Article I (o): 'Members':*

1. **The Olympic Charter permits the NOC's to grant affiliation to multi-sport groups as members.** In the case of most of the large or advanced NOCs, this provision entails membership for regional/ provincial/ State Olympic Associations with voting rights.

Olympic Charter – 28 Composition of the NOCs:

*"2.2 multisports groups and other sports-oriented organisations or their representatives, as well as nationals of the country liable to reinforce the effectiveness of the NOC or who have rendered distinguished services to the cause of sport and Olympism."*

A chart with details of regional/ provincial/ State Olympic Associations in different NOCs including Australia, USA, China, South Africa, Germany, Russia, Hungary, etc. is enclosed for reference [Annexure 2].

Governance of the Olympic movement vests with the National Olympic Committee in the territory. Although different sports Federations are participatory in the activities of the National Olympic Committee, it is the regional/ provincial/ State Olympic Associations that play a key role in propagating the work of the Olympic movement.

Accordingly, the membership of NOC/ Indian Olympic Association includes State Olympic Associations and Union Territories Olympic Associations.

Constitution of the IOA – 3. Membership: [Annexure 3]

*"The Membership of the Association shall be open to the under-mentioned, subject to approval by the General Assembly:"*.....

*"3.5 State Olympic Associations*

*3.6 Union Territories' Olympic Associations"*

The State/ UT Olympic Associations in India are established on lines with the norms followed globally. An initial report of this year's Olympic Day activities by State/ UT Olympic Associations, as featured in the IOA Newsletter Vol. V is also enclosed for reference [Annexure 4].

2. State/ UT Olympic Associations play a key role in organising the National Games, premier multi-sport Games in India with 95 years of history. The entry and participation of athletes and teams in the National Games are co-ordinated by the State/ UT Olympic Associations.

**The Indian Olympic Association strongly objects the exclusion of State and UT Olympic Associations as members of the National Olympic Committee in this draft Code.**

7. *Article I (s): 'Office Bearers' – The definition is ambiguous, as all members on the Board have designated responsibilities and governance obligations. It is worded so even in this Code. Article IV 6. (h) "Every Board Member of the NOC/ NSF shall have a well-defined clearly articulated functional responsibility."*
8. *Article I (y): 'Sub-edition' – The definition can lead to wrongful interpretation. Sub-edition cannot be inclusive of the winter version of all sports, as ice hockey does not come under the governance of International Hockey Federation (FIH) but is governed by the International Ice Hockey Federation (IIHF). Likewise, there are different National Sports Federations for field hockey and ice hockey in India. It is recommended to correct the narration and factual error.*

5. RECOGNITION CRITERIA (*Article II*):

1. *Article II 1:* Unlike the earlier Code, this Code specifies a mandate for recognition of the NOC with stringent restrictions. IOA's right to enter team/ athletes in the Games of the Olympic movement is only bound by affiliation to the IOC and OCA and it is not subject to recognition by the Government of India. Status quo to be maintained.
2. *Article II 1. (c):* The Indian Olympic Association strongly objects the mandatory application of this Code extended to *"Members and their Affiliates"* in *Article II 1.(c)*.

R. Mehta

There is overlapping mention in *Article III 4.*, on acceptance of principles of good governance by members of NSFs, which is feasible as a generic regulation. But it is restrictive and unrealistic to assert mandatory implementation of this Code across sports organisations at all levels to be eligible for recognition, as in *Article II 1.(c)*.

3. *Article II 1. (d)*: The article about representation in two-third of the States is not feasible for NSFs of winter sports in the Olympic programme. **It is recommended that a reasonable proportion of representation be decided for different kinds of sports.**
4. *Article II 2. (b)*: The terms 'sports', 'discipline' and 'sports discipline' are interchanged, which is wrong. It should be corrected as - "*regulate the concerned sport(s) at the national level in the country.*"  
*\*This lapse is made many times in this Code.*
5. *Article II 1. (b)*: When new international competitive sports are introduced in India, it requires time for a new NSF to be established and then become compliant with this Code, but the wording of this clause is restricting as no NSF can "*regulate the concerned sports discipline at the national level in the country*" unless it is duly recognised as per this Code. It is a deadlock. There is no exception or progressive timeline mentioned in the case of new NSFs. **We propose including exceptions to this provision.**
6. *Article II 3*: It is recommended to amend this article.
  1. **The Indian Olympic Association ascertains that the NOC/ IOA and all its member units working for the advancement of Olympic movement in India cannot be excluded from the benefit of CSR.**
  2. Different provisions of this Code attempts to enforce rules on members of NSFs and even their affiliates, however while defining organisations that would receive exemptions of service tax/ custom duty/ foreign exchange or benefit of CSR, the scope is limited only of NOC and NSFs, recognised by the Government, and there is no clarity on how members of NSFs and its affiliates gain from such exemptions or benefit of CSR.

#### 6. NATURE OF ENTITY (*Article III*):

1. *Article III 1*: It is unreasonable and impractical for NSFs and "*each of their respective members*" to be registered within the options stated therein *Article III 1*. Beyond the three options stated in this Code to register a legal entity, there are National Sports Federations and its members that are registered under different legislations.
  1. E.g.: Swimming Federation of India and The Indian Golf Union are registered under the West Bengal Societies Registration Act 1961. Different State Sports Associations in West Bengal are registered under this Act.
  2. E.g.: Most of the State Sports Associations in Kerala are registered under the Travancore Cochin Literary Scientific and Charitable Societies Registration Act 1955.

**It is recommended to correct this article.**
2. *Article III 3*: It states that "*NOC, each NSF and each of their respective Members and Affiliates shall be deemed to be a Public Authority*" and also "*to exempt information including commercial confidence*" from within the ambit of RTI. The doubt is whether this contradicts the provision in the Right to Information (RTI) Act, whereby the Public Information Officer (PIO) cannot deny information citing commercial confidence for agreements between a public authority and private party?
3. *Article III 5*: "*NOC and each NSF shall be solely and entirely responsible and accountable for... sponsorship of the discipline(s)*" is factually wrong and restricting.

NOC has all rights of sponsorship during the National Games and whilst representing India in international multi-sport Games, wherein NSFs have no rights of sponsorship of the sport/ discipline. The rights of sponsorship of multi-sport Games/ Events are as prescribed in the rules of the concerned major event organiser (MEO) and the

R. Muthu

constitution of the NOC entering the athletes/ teams and officials in the Games/ Events; Olympic Games – Olympic Charter Rule 40, Asian/ OCA Games – Constitution of the OCA Article 70 [Annexure 5], Commonwealth Games – CGF Constitution ByeLaw19 [Annexure 6].

The wording of this clause also limits members of NSFs and their affiliates from exploring commercial sponsorship for sport at their level. As mentioned earlier, different provisions of this Code attempt to enforce rules on members of NSFs and even their affiliates but their mention is missing in clauses that entail benefit.

**It is recommended to correct the narration and factual errors.**

## 7. GOVERNANCE AND MANAGEMENT (Article IV):

1. **Article IV 2:** The constitution of the NOC/ Indian Olympic Association and most of the NSFs include in their definition of office-bearers only three positions on the Board: President, Secretary-General (or by whatever other designation such post may be called) and Treasurer. With no additional role specifically assigned to one Vice-President and two Joint Secretaries herein this Code, what is the reasoning for changing the definition to include three more positions as office-bearers of the NOC? A superfluous change in the terms of office-bearers would lead of confusion as specific roles are assigned to the above-mentioned office-bearers in the constitution of NOC and NSFs.

**The Indian Olympic Association proposes that the definition of office-bearers be maintained the same as in the earlier Sports Code (National Sports Development Code of India 2011) – President, Secretary-General (or by whatever other designation such post may be called) and Treasurer.**

2. **Article IV 3:** The wording "*The Board shall: [a] be the ultimate decision-making body*" is misleading. The standard rule of good governance is to maintain the General Body/ General Assembly as the ultimate decision-making body, especially in the case of major decisions. IOC's Basic Principles of Good Governance for NOCs also mention that the Board shall be accountable to the General Body/ General Assembly. Besides, the participation of the General Body/ General Assembly in decision-making is important to ensure democratic governance of sports organisations. **Amendment of this article is recommended.**
3. **Article IV 4:** It is a measure of extreme rigidity to fix an absolute number for the size of the Board of all sports organisations. Different studies mention propositions regarding the size of the Board but even then proportions are generally deliberated as a scale in the principles of good governance in sports. A range or proportions of the size of the Board that would be suitable for the NSFs would not be suitable in the case of the NOC, as membership is twice as that of the NSFs.

1. Globally, National Olympic Committees have varying sizes of Board ranging from 15 members to 119 members. A chart with details of different NOCs including USA, Japan, Korea, China, Italy, Argentina, Spain, Russia, France, etc. is enclosed for reference [Annexure 7].
2. The sizes of the Board of NSFs are mostly on lines with their respective IF.
3. At present, there is flexibility in the size and composition of the Board. So the NSFs according to their structural dynamics of governance and with the approval of their respective IF, exercise the choice of appointing a Secretary-General in the rank of CEO, as required, instead of electing a Secretary-General, wherein there is clarity of position, role, and voting right on the Board.  
E.g.: General Secretary of the All India Football Federation

Except in the case of NSFs that appoint a Secretary-General as mentioned above, all other NSFs have democratically elected Board now, which would change if this draft Code is adopted as it is.

The provisions in this draft Code would leave the size of the Board uncertain throughout all NSFs; firstly in the case of the CEO based on nationality (Article IV 2. (e)) and second in the instance of office-bearer of IF (Article IV 2. (b)), which is explained later.

*R. Gupta*

4. NSFs of winter sports and sports in early developmental stages/ new sports including surfing, break dancing, etc. having fewer members would have proportionately smaller Board, less than 19 members.
5. Likewise, 19 members on the Board would be a big number for many members of NSFs and their affiliates if this has to be implemented across sports organisations at all levels.

**The Indian Olympic Association strongly opposes the proposal of having a uniform size of the Board for all sports organisations.**

**The size of the NOC/ IOA's Board is only 32 members, which is representative of a large country like India. The Indian Olympic Association would continue with the same size of Board, which is approved by the International Olympic Committee.**

4. *Article IV 4:* In a governance structure with multi-level elected representation, it requires time to progressively attain a good benchmark in governance. The proposition to have 40% of women representation on the Board is not feasible at once for many NSFs. Instead, it could be proposed that a minimum of 40% of women representation on the Board is attained within four to six years from the commencement of this Code.
5. *Article IV 4, Article IV 5. (b) & (h) and Article IV 8:* This Code offers many exceptions for an IOC member and also IF office-bearer from India.
  1. **NOC/ Indian Olympic Association has already complied with the requirement of the IOC on the subject.**

Olympic Charter – 28 Composition of the NOCs:

*"1. Whatever their composition, NOCs must include: 1.1 all IOC members in their country, if any. Such members have the right to vote in the general assemblies of the NOC. In addition, the IOC members in the country referred to in Rule 16.1.1.1 and Rule 16.1.1.2 are ex officio members of the NOC executive body, within which they have the right to vote."*

Constitution of the IOA – 3. Membership:

*"3.3 Indian citizens who are member/s of the International Olympic Committee. All IOC member/s in India, if any, shall have a right to vote in the General Assembly of the Indian Olympic Association. The IOC member/s in India would automatically be member/s of the Indian Olympic Association's Executive Council within which they shall have the right to vote."*

There are doubts about the validity of the provision in *Article IV 6. (b)* that makes an exception for electoral eligibility of an Indian IOC member in the election of NOC:

1. The IOC has four categories of members with voting rights as mentioned in page 1 of this Feedback but this Code does not specify the category of membership while making an exception for electoral eligibility of an Indian IOC member.

Olympic Charter – 16 Members:

*"1.1.4 Presidents or persons holding an executive or senior leadership position within NOCs, or world or continental associations of NOCs, the total number of whom may not exceed 15; there may be no more than one such member national of any given country within the IOC."*

*"16.3.7 Any IOC member as defined in Rule 16.1.1.3 or Rule 16.1.1.4 ceases to be a member upon ceasing to exercise the function he was exercising at the time of his election."*

**In the case of a person who is granted IOC membership by virtue of his/ her position in the NOC, can an exception be granted for that person's electoral eligibility in the election of NOC owing to his/ her IOC membership?**

2. Given the lack of specification on the category of membership, it is not sure whether these exceptions would also be applicable to IOC Honorary Members and IOC Honour Members.

*R. Mehta*

2. Owing to the distinct function of the IF, the statutes of the IF generally necessitates the President-elect to relinquish his/ her position in the NSF and refrain from any role in the NSF during their elected term to avoid possible conflict of interest. It is largely the case, however, it might vary in some IFs.  
**It is proposed that related documents of all IFs (Constitution/ Statutes/ Rules and Regulations) be collected through the NSFs and the article be finalised in compliance with the statutes of the IF and universal principles of good governance in sport.**

Besides electoral eligibility, there are also exceptions proposed in this Code regarding age (Article IV 8.), term and tenure (Article IV 6. (b)) for IOC member on the Board of NOC as well as exception for office-bearer of IF on the Board of NSF. It would be prudent to know the logic of granting multiple exceptions in an Indian policy for a person whose primary objective is to serve international sports, whilst setting stringent restrictions for administrators and professionals that focus on the advancement of sports in India.

6. *Article IV 6. (c):* The IOC, IPC, and IFs give high significance to the role of athletes in shaping the future of the sport as well as in creating support programmes for the welfare of the athletes. Accordingly, they formed the concept of the Athletes Commission.

1. The International Olympic Committee has specific guidelines for the Athletes Commission and the inclusion of Athletes Commission representatives in the General Body and Executive Council of the NOC. **NOC/ Indian Olympic Association has complied with the necessary norms of the IOC regarding Athletes Commission.**

Olympic Charter – 28 Composition of the NOCs:

*"1.3 elected representatives of athletes. Those representatives must have taken part in the Olympic Games. They must retire from their posts at the latest by the end of the third Olympiad after the last Olympic Games in which they took part. Upon request by an NOC, the IOC Executive Board may grant an exemption to the requirement that such representatives must have taken part in the Olympic Games."*

Constitution of the IOA – 3. Membership:

*"3.4 Two (one male and one female) active athletes or retired athletes having taking part in the Olympic Games; subject to the condition that the retired athletes must retire from their post latest by the end of the third Olympiad after the last Olympic Games in which they took part. These two athlete representatives shall be elected by and from the IOA Athletes Commission established as per the IOC guidelines."*

Constitution of the IOA – 11. Executive Council:

*"11.1.1.8. One representative elected out of the Athletes Commission."*

2. Most of the IFs have specific guidelines for the Athletes Commissions that has to be followed by their affiliated units at the national level. These guidelines specify composition, term, tenure, etc. and vary across sports. It is recommended that the NSFs in the Olympic Programme follow the guidelines of their respective IFs.
3. Sports administration is a challenging job, which requires knowledge and leadership of the highest level. The examples of retired athletes excelling as office-bearers of the IOC, IPC, IF, AF, etc. are instances where they were elected through the standard process of election and not through a reservation quota.
4. **The NSFs of new sports would suffer a void in governance with such reservation quota** of voting for the Board through the Athletes Commission, as it would take time to establish an NSF, develop the sport, conduct National Championships and thereafter elect representatives to the Board through the Athletes Commission, which has 'Eminent Athletes'.
5. **The Indian Olympic Association is duty bound to protect the autonomy of sports organisations and opposes the provision in this Code for the Government to nominate/ appoint Athletes Commission in the NOC/ NSFs.**

R. Mehta

Olympic Charter – 28 Composition of the NOCs:

"4. Governments or other public authorities shall not designate any members of an NOC."

We request the Ministry of Youth Affairs and Sports to please share/ publish the study on practice of athletes' reservation quota on the Board of NOCs and NSFs/ NFs in other countries that was reviewed while drafting this Code, as there is lack of clarity on effective implementation of these proposals.

7. **Article IV 6. (d): The Indian Olympic Association opposes the provision in this Code for one Nominee Director on the Board.**

1. The article states, "there shall be one Nominee Director on the Board who shall be a person of repute and standing agreed by and between the President of the NOC/ NSF and the Chairperson of the Athletes Commission from a slate of person of repute and standing presented to them by the Government." Any position for a Government nominee on the Board of the NOC/ NSFs clearly amounts to government intervention in the autonomy of sports governance.

Olympic Charter – 28 Composition of the NOCs:

"4. Governments or other public authorities shall not designate any members of an NOC."

2. There is a wide scope of role described for a Nominee Director in this Code. However, there is no specification on the eligibility or sporting background or knowledge/ experience in sports management required to be a Nominee Director.
8. **Article IV 6. (h): As explained in page 2 and 3 of this Feedback, the State and UT Olympic Associations are members of the IOA.**

**The Indian Olympic Association would continue affiliation of the State and UT Olympic Associations as members of the National Olympic Committee with the right to vote and contest in its election. IOA opposes the provisions in this Code to repeal the membership and electoral eligibility of the State and UT Olympic Associations.** Feedback regarding the IOC member and IF office-bearer were given in detail earlier. As mandated in the Olympic Charter, constitution of the IOA has maintained that voting majority is of NSFs in the Olympic Programme.

9. **Article IV 7. (b):** In the present context, the term and tenure limitations are only applicable to office-bearers (President, Secretary-General (or by whatever other designation such post may be called) and Treasurer.

(It is to be noted that unlike the sports governance framework of NFs/ NSFs in advanced countries with Board of directors, India has a federal structure of sports governance with multi-level elected representation.)

- Firstly, the provisions in this Code extend the scope to include limitations on the term and tenure of all the elected Board members. Further, this Code attempts to also enforce these limitations on members of NSFs and even their affiliates. In effect as per this Code, if a person during his first or second term in a local club/ District sports organisation does not become office-bearer in the State Sports Association, National Sports Federation and International Federation, he/ she should completely quit service in sports administration for the next four years, and then start all-over from the club/ District level after the cooling period. Generally, it takes years to build rapport and grow as a sports administrator to the national and international level. **Given the disruption in continuity of service in sports as per this Code, there would no or fewer Indian sports administrators on the Board of any Asian Federation or International Federation in the future. It is contradicting that this Code makes an exception for current Indian IF office-bearers in view of the significance of such a position but fails to consider a course of progressive growth for Indian sports administrators to become Board members or office-bearers of AF/ IF in the future.** Any policy for that matter should equally focus on future implications as much as the relevance of the same in the present context. Although the IOA in principle challenges the scope of extending this Code or any of its provisions to members of the NSFs and their affiliates, the doubt is why exceptions in term and tenure were not considered for Board members/ office-bearers of local organisations that are on the Board of NSFs, as in the case of IF office-bearers. **This article and its scope have to be amended in entirety.**

R. Muthu



- Stability and continuity in leadership are essential principles in good governance of sports. But the said article would continually destabilize administration. Two terms is not adequate for any significant contribution or implementation of long-term plans for the advancement of sports. Accordingly, **it is proposed to first remove the limitation of the cooling period, which has micro and macro level impact as mentioned above.**
  - The IOC has a limitation of twelve years for the President but however the IOC members get to serve on the Executive Board for a very long time. (Dr. Thomas Bach's tenure on the Board of the International Olympic Committee: Member (1996-2000) of the IOC Executive Board then Vice-President (2000-2004) and re-elected as Vice-President (2006-2013); IOC President (2013-(twelve years)); which would be a total of 27 years on completing full tenure) Olympic Council of Asia set a limit, as it deems fit. Ideally, NOC/ IOA as an independent society should adopt its own rules regarding limitation of term and tenure as approved by its General Body. **We propose no limitation to the tenure of a Board member, excluding office-bearers, as long as they are re-elected at the end of the term, in accordance with the Constitution of NOC/IOA.** It is also keeping in essence with the representation of elected leaders in India. **As for the tenure limit of the office-bearers (President, Secretary-General and Treasurer), it should be a maximum of three terms in a position.**
  - The limitation of term and tenure of National Sports Federations should be drafted considering the guidelines of the International Federation on the matter.
10. **Article IV 7. (c): The limitation regarding "immediate relative" on the Board of sports organisations is challenged, as there is no law of the land, to the best of our knowledge, that restricts election or appointment to the Board of autonomous organisations based on an individual's relationship.**
  11. **Article IV 7. (d): The restriction for politicians to be on the Board of sports organisations is discriminatory and unfair.**
    1. Universally, politicians serve as administrators of sports organisations. Due to time constraints, only a few examples in leading Asian countries are cited. Mr. Liu Peng, a seasoned politician, and a former Minister was the President of the Chinese Olympic Committee (COC) from 2005 till 2016. He also served as the Executive Chairman of the Organising Committee of the Beijing 2022 Winter Olympic Games. The current COC President is also a politician. Mr. Taro Aso, former Prime Minister of Japan, current deputy Prime Minister and Finance Minister is the President of Japan Basketball Association. Mr. Aso was the key liaison in the successful bid of Japan/ Tokyo for the 2020 Summer Olympic Games. Mr. Mitsuhide Iwaki, politician and Member of House of Councillors is President of the Japan Triathlon Union. Mr. Lee Myun Bak, former President of Korea, served as President of the Korea Amateur Swimming Federation and member of FINA (International Swimming Federation) before assuming the Presidential Office. Mr. Lee's exposure to international sports administration helped the bid of Korea/ PyeongChang for the 2018 Winter Olympic Games.
    2. Although it seems that there are restrictions for politicians to be on the Board of NOC/ NSFs, the provision in *Article IV 6. (d)* could make way for retired Government officials to serve on the Board of NOC/ NSFs. But it is not years of service after retirement but prime years of service of politicians and Government officials that is required for the advancement of sports in India.
  12. **Article IV 7. (e): The proposal of a cooling period before serving another National Sports Federation as Board member is opposed, as there are no such known legal limitations for any voluntary service in India. This is just another instance that confirms bias in this Code.**
  13. **Article IV 10-14: Appointment of the staffs of the NOC/ IOA shall not be dictated by terms of the Government.**
  14. **Article IV 11: It is recommended to confirm the validity of this provision and accordingly amend this article.**
    1. The restriction regarding the CEO's engagement in any other profession should be re-phrased to ensure there is provision to impart knowledge and engage in academic work that would lead to the advancement of sports administration in

R. Gupta

India. There are CEO's of NSFs that currently serve on the Academic Board or as guest faculty in Sports Institutes/ Universities.

2. The provision to ban a former CEO/ sports professional from serving on the Board should be implemented after confirming laws of the land that restricts employee of an organisation to serve on the Board of the same or another organisation in India.

#### 8. MEMBERSHIP STRUCTURE AND ELECTIONS (*Article V*):

1. **Article V:** As detailed earlier, the Indian Olympic Association opposes the provisions in this Code to repeal the membership and electoral eligibility of the State and UT Olympic Associations.
2. **Article V 2:** The Indian Olympic Association rejects the proposal in this Code for changing the voting pattern of our members. Currently, three (3) representatives each of the National Sports Federations participate in the meeting and the election of the NOC/ IOA with one vote each for each representative. IOA would continue the existing voting pattern that is approved by the International Olympic Committee.
3. **Article V 4:** According to this article, it is perceived that unless in the case of gender balance requirement wherein the Board may take a suitable resolution, the President and Secretary-General (if nominated by the President) are the only eligible persons of a member unit that can represent them in an election. Denying representation to an organisation to participate in a key meeting owing to such stringent restrictions is not theoretically a good principle in governance. Would this subsist given the current laws of the land for society or trust or non-profit company?

**IOA ascertains its right to continue representation in accordance with its constitution wherein any member of the Executive Body of a member National Sports Federation/ State/UT Olympic Association, whose nomination is signed by both President and Secretary General is eligible to attend and vote at the Elective General Meeting of the IOA.**

Constitution of the IOA – 10. Composition of the General Meeting and Voting  
\*10.3 The voting units will forward to the IOA the names of their representative(s) entitled to attend and vote at the Elective General Meeting of the IOA at least 20 days prior to the holding of the General Meeting. The representatives nominated by each unit must be members of the executive bodies of such units. The nomination shall be signed by both President and Secretary-General (This can also come by 2 separate e-mails) of the concerned unit.\*

#### 9. ATHLETE REPRESENTATION (*Article VI*):

As explained earlier, the Athletes Commission of the Indian Olympic Association would be in compliance with the guidelines of the International Olympic Committee and IOA opposes government intervention in the matter. It is recommended that the NSFs in the Olympic Programme follow the guidelines of their respective IFs.

#### 10. TRANSPERENCY AND FINANCIAL INTEGRITY (*Article VII*):

**Article VII 4:** NOC/ IOA has always maintained high standards in accounting practices. Internal and external auditors regularly audit IOA's accounts. All the financials are also assessed and scrutinised by the IOA Finance Commission, which is chaired by highly qualified accounting professional. The Finance Commission of the IOA serves the role of the Audit Committee mentioned herein this article. Further, audited balance sheet of the IOA for the last five years is available on the website. **As the Indian Olympic Association does not avail government funding for its administration, we oppose the proposal in this Code regarding CAG audit of NOC/ IOA.**

*R. Mehta*

**11. CODE OF ETHICS, WHISTLEBLOWER AND CONFLICT OF INTEREST POLICY; NOC ETHICS COMMITTEE (Article VIII):**

1. **Article VIII 1-8:** The Indian Olympic Association has constituted an Ethics Commission in accordance with its constitution and the Olympic Charter. Ethics Commission has adopted Rules on lines with the IOC Code of Ethics.

Constitution of the IOA:

*"V. The IOA shall constitute the following commission as per the Olympic Charter detailed as under:*

*c. Ethics Commission"*

IOA Ethics Commission - <https://olympic.ind.in/page/ethics-commission>

**Matters pertaining to ethics and related subjects regarding the IOA, its member bodies and other key stakeholders in sports, have been dealt with by the IOA Ethics Commission in accordance with its Rules and procedures, as is amended from time to time, and it would continue so. IOA rejects the provision in Article VIII wherein the Government attempts to regulate the administration of ethical matters that are under the purview of IOA now.**

2. **Article VIII 2:** It states *"....(a) establish a mechanism for and encourage Office bearers, Board Members, committees, employees, staff, vendors, partners, sponsors, coaches, athletes, officials, Members, Affiliates and others within the NOC's/ NSF's circle of influence to report to the NOC's/ NSF's Audit Committee, on a confidential Basis, genuine concerns about unethical behaviour, actual or suspected fraud or violation of laws, rules, regulations, the Sports Code."* It is atypical to authorise the Audit Committee for grievances beyond financial matters. The Audit Committee would be inapt to address matters of coaches, athletes, etc. on confidential matters concerning unethical behaviour or other similar issues.

**12. GRIEVANCE REDRESSAL AND DISPUTE RESOLUTION; OMBUDSMAN (Article IX):**

**Article IX 1-10:** The Indian Olympic Association has constituted an Arbitration Commission in accordance with its constitution. Arbitration Commission has adopted Rules and procedures of the Commission.

Constitution of the IOA:

*"V. The IOA shall constitute the following commission as per the Olympic Charter detailed as under:*

*b. Arbitration Commission"*

IOA Arbitration Commission - <https://olympic.ind.in/arbitration-commission>

**Matters pertaining to grievance, dispute and related subjects regarding the IOA, its member bodies and other key stakeholders in sports, have been dealt with by the IOA Arbitration Commission in accordance with its Rules and procedures, as is amended from time to time, and it would continue so. IOA rejects the provision in Article IX wherein the Government attempts to regulate the administration of grievance redressal and dispute resolution that is under the purview of IOA now.**

**13. OPERATIONAL INTEGRITY (Article X):**

The role of a NOC is distinct from that of NSFs and accordingly some of the provisions are not fully applicable for the NOC.

**14. SANCTIONING OF EVENTS BY NOC AND NSFs (Article XI):**

In Indian sports, the problem is not the lack of competition but is mostly poor training.

1. **Article XI 1.(a):** The rights of the NOC and NSF in the governance of sports is distinctly different in particular with regard to events and competition.

*R. Gupta*

2. *Article XI 1.(b): "grant the sanction if:*
- i. *the NOC/ NSF does not decide by clear and convincing evidence that holding the event would be detrimental to the best interest of the sport"*

**It is proposed to correct it as follows "i. the NOC/ NSF does not decide by clear and convincing evidence that holding the event would be detrimental to the best interest of the sport and athlete."**

3. *Article XI 1.(b) ii.:* This article prescribes that meeting of five conditions by a person or organisation would necessitate NOC and NSFs to sanction permission of the event as requested. The conditions mentioned herein have ignored two responsibilities towards athletes. It is recommended that this article is amended in view of the following statements:
- Fact 1: In early years the focus should be on training and an appropriate training to competition ratio should be maintained to ensure the wellbeing of very young athletes.
  - Fact 2: The official competitions of the sports governing bodies are the only legitimate competitions that lead to progressive development and success in competitive sport. The International Sports Federations have increased the number of competitions. So, the competition schedule is more demanding now. The participation in as many official/ recognised competitions of the IFs, especially from the cadet/ junior category onwards, is necessary for a successful sporting career.

In the recent years, the International Olympic Committee and Indian Olympic Committee focus on support programmes for the welfare of the athletes; especially in the two key aspects – health and career:

1. Saturated competition calendar and its health consequences were highlighted in the consensus statement issued by the IOC Medical Commission. All sports organisations ought to now carefully balance their calendar.

In the Indian context, more issues that complicate the subject. In the last forty years, more sports and disciplines were introduced in our country. The sports governing bodies, public authorities, school boards, and local organisations too increased the number of competitions. However owing to the lack of proportionate growth in the number of athletes participating in competitive sport, many a times the same athletes repeatedly participate in multiple sports, discipline and events, that too in multiple age categories, during different competitions in a year. As a result, sometimes athletes fail to specialise at the right time while many athletes from the lower income group suffer from burnout or health problems such as bone and muscle overuse injuries, athletic anaemia, exercise-induced asthma, amenorrhea, Red-S, etc. Lately, it is observed that an increasing number of young athletes are failing bone tests and retiring prematurely.

**As NOC and NSFs have the responsibility to control over-competing/ under-training, it can rightfully exercise its duty to deny permission to organisations or persons wherein there are already an adequate number of official competitions for a discipline, age-category or profile of athletes.**

2. Sport governing bodies play a key role in guiding athletes to balance sports and education.

In reality, only a very few athletes can completely bank on sports for livelihood whereas other athletes including the Elite athletes would have to depend on education or specialised expertise to be well-employed. Athletes require good education to even succeed as sports administrators or officials.

In general, training and participation in many official competitions are necessary to eventually represent the national team, which results in missing a lot of classes in school. The NSFs ensure there are adequate breaks in calendar for physical recovery and balancing of education of young athletes. At the same time, many young athletes unreasonably jeopardise their education by participating in various unofficial competitions held during weekdays.

*R. Mehta*

Over the years, the recurring issues regarding education and career of the athletes have dented the image of sports and level of participation. At present, corrective measures are required from the school level to resolve the issue. Accordingly, NOC and NSFs can ascertain its right to deny permission to organisations or persons if their event proposal requires athletes who are part of the official competition calendar to further miss classes in school.

15. MONITORING OF COMPLIANCE AND INTERIM MEASURES (Article XII):

1. *Article XII 7.*: IOA opposes the proposal in this article that if an NSF were suspended, the Competent Authority established by the Government would constitute a 3-member Ad Hoc Committee. In case an NSF has governance issues, IOA in accordance with its constitution consult the IF and undertake appropriate actions including appointment of an interim committee.

R. Mehta