

**Ministry of Youth Affairs
Government of India**

Press Release

Tenure Clause Restored with Modification on IOA and NSFs

Government has been seized of the issue concerning the duration of tenures in respect of office bearers of recognized National Sports Federations (NSFs), including Indian Olympic Association (IOA). Government regulations issued on the subject vide letter No.11-4/74-SP.I dated 20th September, 1975 had capped the tenure of the President, the Secretary and the Treasurer at not more than two consecutive terms of four years each. However, the said regulation was kept in abeyance by way of executive instructions issued vide orders dated 11.10.2001, 24.8.2002 and 31.10.2002.

2. Efforts made in the past to restore tenure limit on the officer bearers of NSFs, including IOA, were unsuccessful due to strong opposition from the sports bodies on the ground that such action on the part of the Government would tantamount to interference with their autonomy, which is bestowed upon them by the Olympic Charter. It was also argued that Sports is a State subject, and the Central Government does not possess the competence to regulate NSFs, including IOA.

3. The above matter came up before Hon'ble High Court of Delhi in Civil Writ Petition 7868/2005 in the matter of Indian Hockey Federation (IHF) vs UOI and others. The petitioner challenged the action of IHF in removing the tenure limit through a unilateral amendment to their constitution in spite of Government regulations to the contrary. The Hon'ble High Court vide its judgment dated 02.03.2009 made the following observations:-

- i) Parliament has the power to legislate on the regulation of NSFs;
- ii) The guidelines for recognition of NSFs are valid, binding and enforceable;
and
- iii) The tenure clause is not in violation of the IOC Charter.

4. Subsequently, the current manner of management of NSFs, including IOA, was challenged in a Public Interest Litigation filed before the Hon'ble High Court of Delhi, which is at present hearing the case. The petitioner has, inter alia, challenged the inaction of the Government in enforcement of the tenure limit on the office bearers of NSFs and IOA. The Hon'ble Court has taken a serious note of the matter and has expressed deep concern at the long indecisiveness of the Government on this critical issue, which impacts the functioning of NSFs, which are discharging important public functions in the field of sports. The Hon'ble Court has directed the Government to clarify its stand and produce relevant records on the next date of hearing, which is on 05.05.2010.

5. The present state of affairs in the functioning of NSFs, including IOA, was also a subject matter of discussion in Parliament and Hon'ble Members of Parliament across political parties expressed unanimity in the urgent need for regulating national sports bodies, including enforcement of limits on tenures of their members and office bearers.

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Similar views were also expressed in the meetings of Parliamentary Consultative Committee on Youth Affairs and Sports and other forums.

6. Detailed examination of international practices on tenure limits in respect of office bearers of sporting bodies has revealed that many major international sporting bodies, including International Hockey Federation, International Swimming Federation, World Badminton Federation and many others enforce limits on the tenures of their members and office bearers. More importantly, International Olympic Committee (IOC) itself, which is mother body of all sporting federations, enforces limits on the tenure of its executive members, Vice Presidents and the President, besides enforcing a retirement age of seventy years on all its members elected after December, 1999. Hence, it is amply clear that the practice of imposing the limits on the tenure of the office bearers of sporting bodies is widely prevalent and internationally accepted; and is also one of the critical ingredients of good governance, which prevents development of vested interests in the management of sporting bodies, which perform critical public functions in the field of sports.

7. Taking into consideration the entire facts and circumstances of the instant matter, the Government has decided to restore the tenure clause, which was kept in abeyance since October, 2001, with immediate effect subject to the modification that the maximum tenure of the President of an NSF, including IOA, shall be twelve years with or without break; and that for the Secretary and the Treasurer shall be not more than two successive tenures of four years each. The Secretary and the Treasurer shall be eligible for standing for re-election to the post after a minimum interval of four years. Further, there will be a retirement age of seventy years for all members and office bearers. This brings our tenure regulation in line with that of IOC. The above mentioned tenure limit shall come into operation with immediate effect for all elections conducted henceforth. However, in the case of existing office bearers who are attracting the above restrictions, but were duly elected to their posts, and are currently serving their tenure, the tenure limit will be enforceable only after the expiry of the current tenure.



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