

Twelfth Kerala Legislative Assembly
Bill No. 311

THE KERALA SPORTS (AMENDMENT) BILL, 2010

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Kerala Legislature Secretariat
2010

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further to amend the Kerala Sports Act, 2000.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Sports Act, 2000 for the purposes hereinafter appearing ;

BE it enacted in the Sixty First Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Sports (Amendment) Act, 2010.

(2) Sections 6 and 7 of this Act shall be deemed to have come into force on the 17th day of August, 2008 and the remaining provisions shall be deemed to have come into force on the 5th day of January, 2009.

2. *Amendment of section 3.*—In sub-section (3) of section 3 of the Kerala Sports Act, 2000 (2 of 2001) (hereinafter referred to as the principal Act), under the heading “Nominated Members”, in item (ii), for the word “international”, the words “international or national” shall be substituted.

3. *Amendment of section 6.*—In sub-section (1) of section 6 of the principal Act, in item (h),—

(a) for the words “from among the elected members”, the words “from among the members” shall be substituted ;

(b) for the word “international”, the words “international or national” shall be substituted.

4. *Amendment of section 9.*—In sub-section (3) of section 9 of the principal Act, under the heading “Nominated Members”, in item (iv) of clause (b), for the word “international”, the words “international or national” shall be substituted.

5. *Amendment of section 14.*—In sub-section (1) of section 14 of the principal Act, for the words “of a Deputy Collector”, the words “of a Section Officer” shall be substituted.

6. *Amendment of section 47 A.*—In section 47 A of the principal Act, for the words “for a period of two years”, the words “for a period of three and a half years” shall be substituted.

7. *Validation.*—Notwithstanding anything contained in the principal Act or any other law for the time being in force, the term of the State Sports Council and the District Sports Councils, constituted by the Government by nomination through notification in the Gazette under section 47 A of the principal Act, which had expired on the 17th day of August, 2008 shall be purported to have been extended under the provisions of section 47 A, as amended by this Act and thereby anything done or any action taken by the said Councils in the purported exercise of the powers and duties conferred by or under the principal Act shall not be deemed to be invalid or ever to have been invalid merely on the ground that the term of office of the said Councils have been expired.

8. *Repeal and saving.*—(1) The Kerala Sports (Amendment) Ordinance, 2010 (4 of 2010) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken, as the case may be, under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The term of the State Sports Council and the District Sports Councils, nominated by the Government under section 47 A of the Kerala Sports Act, 2000 was two years from the 18th day of August, 2006, the commencement date of the Kerala Sports (Amendment) Act, 2007. Accordingly the term of the said Councils expired on the 17th day of August, 2008.

2. Under the circumstances that the process of constituting the Councils by election, as provided in the principal Act, needed more time for its completion, in order to avoid the administrative standstill in the existing Councils it was decided to make provision for extending the term of the State Sports Council and the District Sports Councils, constituted by Government by nomination through notification in the Gazette under section 47 A of the Act, for a further period of one year and for purporting that the term of the said Councils which had been expired on the 17th day of August, 2008, as extended

under the amended provisions of section 47 A, and thereby to validate the actions taken or deemed to be taken by the said Councils for exercising the powers and duties given by or under the principal Act.

3. As the Legislative Assembly of the State of Kerala was not in session and the above proposals had to be given effect to immediately the Kerala Sports (Amendment) Ordinance, 2008 was promulgated by the Governor on the 26th day of September, 2008 and the same was published as Ordinance No. 38 of 2008 in the Kerala Gazette Extraordinary No. 2127 on the 29th day of September, 2008.

4. In order to keep alive the provisions of the said Ordinance and for including, in the nominated members, sports expert members having national standard also in the State Sports Council and District Sports Councils and for including a member, elected by the members of State Sports Council from among them, who is a sports expert having national standard in the Standing Committee of the State Sports Council and for appointing an officer not below the rank of Section Officer instead of Deputy Collector in the post of the Secretary of the District Sports Council and for providing provisions for this, it was decided to amend the Kerala Sports Act, 2000 (2 of 2001).

5. Though a Bill containing the said proposals was published as Bill No. 241 of the Kerala Legislative Assembly, the same could not be introduced in and passed by the Twelfth Kerala Legislative Assembly during its ninth session which commenced on the 24th day of November, 2008 and ended on the 18th day of December, 2008.

6. As the Legislative Assembly of the State of Kerala was not in session and as the above proposals had to be given effect to immediately the Kerala Sports (Amendment) Ordinance, 2009 was promulgated by the Governor on the 3rd day of January, 2009 and the same was published as Ordinance No. 2 of 2009 in the Kerala Gazette Extraordinary No. 38 on the 5th day of January, 2009.

7. Though a Bill containing the said proposals was published as Bill No. 251 of the Kerala Legislative Assembly, the same could not be introduced in and passed by the Twelfth Kerala Legislative Assembly during its tenth session which commenced on the 13th day of February, 2009 and ended on the 3rd day of March, 2009.

8. As the Legislative Assembly of the State of Kerala was not in session and as the above proposals had to be given effect to immediately the Kerala Sports (Amendment) Ordinance, 2009 was promulgated by the Governor on the 26th day of March, 2009 and the same was published as Ordinance No. 8

of 2009 in the Kerala Gazette Extraordinary No. 675 on the 26th day of March, 2009.

9. Though a Bill containing the said proposals was published as Bill No. 261 of the Kerala Legislative Assembly, the same could not be introduced in and passed by the Twelfth Kerala Legislative Assembly during its eleventh session which commenced on the 22nd day of June, 2009 and ended on the 24th day of July, 2009.

10. As the Legislative Assembly of the State of Kerala was not in session and as the above proposals had to be given effect to immediately and as the term of the Sports Councils constituted under section 47A had to be extended for a period of three and a half years, the Kerala Sports (Amendment) Ordinance, 2009 was promulgated by the Governor on the 1st day of August, 2009 and the same was published as Ordinance No. 14 of 2009 in the Kerala Gazette Extraordinary No. 1409 on the 1st day of August, 2009.

11. Though a Bill containing the said proposals was published as Bill No. 293 of the Kerala Legislative Assembly, the same could not be introduced in and passed by the Twelfth Kerala Legislative Assembly during its Twelfth Session which commenced on the 8th day of September, 2009 and ended on the 17th day of September, 2009.

12. As the Legislative Assembly of the State of Kerala was not in session and as the above proposals had to be given effect to immediately, the Kerala Sports (Amendment) Ordinance, 2009 was promulgated by the Governor on the 19th day of October, 2009 and the same was published as Ordinance No. 22 of 2009 in the Kerala Gazette Extraordinary No. 1923 on the 19th day of October, 2009.

13. A Bill containing the said proposals could not be introduced in and passed by the Twelfth Kerala Legislative Assembly in its one day session which held on 29th December, 2009.

14. As the Legislative Assembly of the State of Kerala was not in session and as the above proposals had to be given effect to immediately, the Kerala Sports (Amendment) Ordinance, 2010 was promulgated by the Governor on the 15th day of January, 2010 and the same was published as Ordinance No. 4 of 2010 in the Kerala Gazette Extraordinary No. 127 on the 16th day of January, 2010.

15. The Bill seeks to replace the said Ordinance by an Act of the State Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation would not involve any expenditure from the Consolidated Fund of the State.

M. VIJAYAKUMAR.

(True Translation)

EXTRACT FROM THE RELEVANT PORTIONS OF THE KERALA SPORTS
ACT, 2000 (2 of 2001)

** ** * * * *

3. *Constitution and composition of the Kerala State Sports Council.*—(1) ** * * *

(2) ** * * *

(3) The Kerala State Sports Council shall consist of the following members, namely :—

** ** * * * *

Nominated Members

(i) ** * * *

(ii) Two sports experts having international standard of whom one shall be a woman ; and

** * * *

Nominated by Government.

** * * *

6. *Standing Committee of the State Sports Council.*—(1) ** **

** * * *

(h) Five Members elected by the members of the State Sports Council from among the elected members of whom one shall be a member representing the elected members of the District Sports Council and one shall be a sports expert member having international standard.

** * * *

9. *District Sports Council.*—(1) ** **

(2) ** * * *

(3) Every District Sports Council shall consist of the following members namely :—

** ** ** **

Nominated Members

(a) ** ** **

(b) The District Collector shall nominate,—

(i) ** ** **

(ii) ** ** **

(iii) ** ** **

(iv) Two experts having international level achievements in sports of whom one shall be a woman.

** ** ** **

14. *Secretary of the District Sports Council.*—(1) The President of the District Sports Council shall, with the approval of the Standing Committee of the State Sports Council, appoint an officer not below the rank of a Deputy Collector in Government Service, as the Secretary of the District Sports Council.

** ** ** **

47 A. *Special provision for nomination of State Sports Council and District Sports Council.*—Notwithstanding anything contained in this Act or the Rules made thereunder or in any judgment, decree or order of any Court, the Government may, by notification in the Gazette, constitute by nomination the State Sports Council and the District Sports Council for a period of two years from the date of commencement of the Kerala Sports (Amendment) Act, 2007 or till the Constitution of the said authorities in accordance with the provisions of this Act, whichever is earlier.

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