

CALCUTTA SPORTS ACT, 1955

28 of 1955

[5th October, 1955]

CONTENTS

1. Short title, extent and commencement
2. Definitions
3. Establishment of the Association and the Board
4. Composition and functions of the Association
5. Constitution and functions of the Board
6. Composition and functions of the Sports Control Committee
7. Power of the Association regarding disciplinary action
8. The Sports Fund
9. Accounts
10. Budget
11. Appointment of staff
12. Power of State Government to supersede the Association and the Committee
13. Regulations and by-laws
14. Validation and protection
15. Power to make rules

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An Act to make certain provisions for the regulation and control of sports in Calcutta It is hereby enacted as follows:

1. Short title, extent and commencement :-

- (1) This Act may be called the Calcutta Sports Act, 1955.
- (2) It extends to Calcutta.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions :-

In this Act, unless the context otherwise requires,

- (a) "affiliated sports organization" means a sports organization affiliated to the Association in accordance with rules made in that behalf;
- (b) "the Association" means the Calcutta Sports Association established under section 3;
- (c) "the Board" means the Calcutta Sports Board established under section 3;
- (d) "Calcutta" means the town of Calcutta as defined in the Calcutta Police Act, 1866, together with the suburbs of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866;
- (e) "the Committee" means the Sports Control Committee constituted under section 6;
- (f) "financial year" means a year beginning on the 1st day of April;
- (g) "prescribed" means prescribed by rules made under this Act;
- (h) "sports" mean cricket, football, hockey, tennis, volley-ball, badminton, or any other outdoor game or athletic sport whatsoever notified in this behalf by the State Government.

3. Establishment of the Association and the Board :-

(1) The State Government shall, as soon as may be, establish by notification in the Official Gazette, two bodies to be called respectively the Calcutta Sports Association and the Calcutta Sports Board.

(2) The Calcutta Sports Association and the Calcutta Sports Board shall, by the said respective names, be bodies corporate with perpetual succession and respective common seals and with power to acquire, receive, hold or transfer property, movable or immovable, to contract and to do all things necessary for the purposes of this Act.

4. Composition and functions of the Association :-

(1) The Association shall consist of the following members, namely:

- (a) all bona fide members of affiliated sports organizations whose names are borne on the Registers of such organizations;
- (b) all other persons as may be admitted by the Association to its

membership according to such rules as may be prescribed.

(2) Subject to such exemptions from payment of fees as may be allowed in accordance with such rules as may be prescribed in this behalf, no person, whether a member of an affiliated sports organization or not, shall be admitted to membership of the Association unless he has paid the fee prescribed for membership of the Association:

Provided that in the case of a member of an affiliated sports organization who has paid to his organization the full fee for membership of such organization,

(i) if such fee is not less than the fee prescribed for membership of the Association, such member shall not be required to pay any fee for being admitted to membership of the Association;

(ii) if such fee is less than the fee prescribed for membership of the Association, such member shall be required to pay only the difference between the fees for being admitted to membership of the Association.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the Association shall immediately at its establishment and for a period of two years thereafter consist of only such persons as the State Government may appoint as members thereof and the persons so appointed shall not be liable to pay any fees and shall hold office until the expiration of such period of two years.

(4) The Association shall have the following functions, namely:

(a) to constitute the Sports Control Committee under section 6;

(b) to consider at the annual general meeting and approve with or without modifications the report and audited accounts of the preceding financial year of the Association;

(c) to appoint auditors at its annual general meeting;

(d) to approve with or without modifications any by-laws framed by the Committee;

(e) to affiliate sports organizations on payment of the fee prescribed in this behalf;

(f) any other functions conferred by this Act or the rules made thereunder.

(5) The members of the Association shall be entitled to such privileges and facilities as may be prescribed.

5. Constitution and functions of the Board :-

(1) The Board shall consist of five members to be appointed by the State Government in such manner and for such term as may be prescribed.

(2) The State Government may, from time to time, transfer to the Board all or any of its rights, title or interests in any play ground or sports stadium belonging to, or in the possession of or under the control of the State Government. The Board may also open any new play ground or erect any new sports stadium with the approval of the State Government.

(3) The Board shall hold every right, title or interest in any play ground or sports stadium which has been transferred to it or any play ground or sports stadium which has been opened or erected by it as aforementioned, as well as all other property, movable or immovable, given, bequeathed or otherwise transferred to it, or acquired by it, in trust for the purposes of this Act consistently with such rules as may be prescribed. Such rules may in particular provide for the management and control of any play ground and sports stadium held by the Board.

(4) The Board may, from time to time, with the previous approval of the State Government, raise loans of such amounts and in such manner as may be prescribed. The repayment of loans shall be guaranteed by the State Government.

6. Composition and functions of the Sports Control Committee :-

(1) The Association shall constitute a Committee to be called the Sports Control Committee consisting of the following persons, namely:

(a) twelve representatives to be elected from affiliated sports organizations in accordance with such rules as may be prescribed;

(b) four persons to be elected by the Association from amongst its members at its annual general meeting in such manner as may be prescribed;

(c) four persons to be nominated by the State Government in this

behalf;

(d) the members of the Board ex-officio. The Sports Control Committee shall be a body corporate with perpetual succession and common seal and with power to acquire, receive, hold or transfer property, movable or immovable, to contract and to do all things necessary for the purposes of this Act.

(2) A member of the Committee shall hold office,

(a) if he is a member elected under clause (a) or clause (b) of sub-section (1), for a term of three years from the date of his election;

(b) if he is a member nominated under clause (c) of sub-section (1), until he is replaced or removed from office by the State Government;

(c) if he is an ex-officio member referred to in clause (d) of sub-section (1), until he ceases to be a member of the Board:

Provided that if a member of the Committee ceases to be a member of an affiliated sports organization or to be a member of the Association, as the case may be, before the end of his term of office as member of the Committee, he shall cease to hold office as a member of the Committee and there shall be deemed to be a casual vacancy in the seat of such member.

(3) A casual vacancy in the seat of a member of the Committee elected under clause (a) or clause (b) of sub-section (1) shall be filled by fresh election in the prescribed manner from amongst the affiliated sports organizations and the members of the Association, as the case may be, and the member so elected shall hold office only for the remainder of the term of the member in whose place he is elected.

(4) Notwithstanding anything contained in sub-sections (1), (2) and (3),

(a) The committee to be first constituted shall consist only of such and so many members as may be nominated by the State Government;

(b) the members of the Committee as first constituted shall hold office for a term of four years from the date of nomination by the State Government;

(c) any casual vacancy in the seat of a member of the Committee

as first constituted shall be filled by fresh nomination by the State Government of a member who shall hold office for the remainder of the term of office of the member in whose place he is nominated.

(5) The Committee shall have, in accordance with such rules as may be prescribed, the power (a) to arrange, organize, manage and control sports and matches and to regulate the award of trophies, (b) to take steps for the development of sports and training of sportsmen, and (c) to have with approval of the Board the use of any play ground or sports stadium under the management and control of the Board for the purpose of sports and matches.

(6) The Committee may delegate its powers to arrange, organize and manage sports and matches to Sub-Committees constituted, according to such rules as may be prescribed, the rules being made to provide for representation of affiliated sports organizations interested in the particular branch of sports for which it is constituted.

(7) The Committee and, where for any particular branch of sport a Sub-Committee has been constituted under sub-section (6), such Sub-Committee, shall have power to enquire into any case of unsportsman-like conduct referred to in sub-section (1) of section 7; and where the enquiry is held by a Sub-Committee, the Sub-Committee shall submit a report to the Committee:

Provided that when immediate action is considered to be necessary, the Committee or the Sub-Committee, as the case may be, may, after giving, where possible, to the member of the affiliated sports organization concerned an opportunity to show cause against the action proposed to be taken, suspend him from further participation in sports and matches arranged, organized or managed by it until a final decision is arrived at in the case.

(8) The rate of fees to be charged for admission to such sports and matches and all financial arrangements relating to such sports and matches shall be settled by the Committee in consultation with the Board according to such rules as may be prescribed, subject to the approval of the State Government.

7. Power of the Association regarding disciplinary action :-

(1) If, as a result of an enquiry held by it or on receiving the report of a Sub-Committee, the Committee is of the opinion that any

member of an affiliated sports organization is guilty of any unsportsman-like conduct in the course of any sports or matches arranged, organized or managed by the Committee or the Sub-Committee, as the case may be, the Committee may, after considering the explanation of the member obtained through the sports organization concerned, by notice in writing, call upon such sports organization to take such disciplinary action as may be specified in the notice against such member.

(2) Where any affiliated sports organization on which a notice has been issued by the Committee under sub-section (1) fails to comply with such notice within a period of two months from the date of receipt of the notice by the affiliated sports organization, the Committee shall have the power to disaffiliate such affiliated sports organization.

(3) If in pursuance of a notice referred to in sub-section (1) any member of an affiliated sports organization is expelled from membership thereof, he shall not thereafter be admitted or readmitted, as the case may be, to membership of any affiliated sports organization without the prior approval of the Committee.

(4) The Committee shall have the power to disaffiliate any affiliated sports organization for contravening the provisions of sub-section (3).

8. The Sports Fund :-

(1) All sums received by or on behalf of the Association, the Board or the Committee shall be paid into a fund to be called the Sports Fund.

(2) In particular and without prejudice to the generality of the provisions of sub-section (1), there shall be credited to the Sports Fund,

(a) all moneys received by way of donations from the public;

(b) membership fees of the Association;

(c) admission fees for sports and matches;

(d) loans raised by the Board under sub-section (4) of section 5;

(e) donations and advances from the State Government;

(f) receipts from any other source.

(3) The Sports Fund shall become vested in and be under the control of the Board and shall be held in trust for the purposes of this Act. The moneys in the Sports Fund may be invested by the Board in such manner as may be prescribed.

(4) All moneys credited to the Sports Fund shall be received by the Secretary of the Board and shall forthwith be paid into the State Bank of India to the credit of an account to be called the Sports Fund Account.

(5) Expenses incurred by the Association, the Board and the Committee in carrying out their functions under this Act shall be met out of the Sports Fund and the Board may, from time to time, advance to the Association or the Committee such amounts as may be necessary to enable the Association or the Committee, as the case may be, to carry out its functions.

9. Accounts :-

The Board and Committee shall keep accounts of all their receipts and expenditure in such manner and in such form as may be prescribed. Such accounts shall be examined and audited once in each year by an auditor appointed by the State Government.

10. Budget :-

The Association and the Committee shall prepare estimates of expenditure likely to be incurred by the Association and the Committee during the ensuing financial year for carrying out their respective functions under this Act and shall submit the same to the Board. The Board shall thereupon consider such estimates and prepare a consolidated budget for the ensuing financial year showing the total estimated receipts and expenditure including those of the Board and submit such budget, by such date as may be prescribed, to the State Government for approval and no expenditure shall be incurred except in cases of emergency until that budget is approved by the State Government.

11. Appointment of staff :-

The Association, the Board and the Committee may appoint their respective staff in accordance with such rules as may be made by the State Government.

12. Power of State Government to supersede the Association and the Committee :-

If, in the opinion of the State Government, the Association or the Committee fails to discharge its functions properly, it may, after

giving the Association or the Committee, as the case may be, an opportunity to show cause against the action proposed to be taken, by an order in writing, supersede the Association or the Committee for such period as may be specified in the order and appoint such authority as it may think fit to exercise the rights and the powers and discharge the obligations and the duties of the Association or the Committee, as the case may be.

13. Regulations and by-laws :-

(1) The Association may, subject to the approval of the State Government, make regulations for the conduct of its business and the business of the Board and the Committee.

(2) The Committee may, subject to the approval of the Association, make by-laws for carrying out its functions.

14. Validation and protection :-

(1) No act done or proceedings taken under this Act shall be questioned on the ground mainly of

(i) the existence of any vacancy in, or any defect in the constitution of, the Board or the Committee;

(iii) any defect or irregularity not affecting the merits of the case.

(2) No suit or proceeding shall lie against the State Government and no suit, proceeding or prosecution shall lie against any person for anything in good faith done or intended to be done under this Act.

15. Power to make rules :-

(1) The State Government may make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power such rules may provide for all or any of the matters which may be or are required to be prescribed.