

Bill No. 39 of 2019

THE COMPULSORY PHYSICAL FITNESS OF CHILDREN THROUGH SPORTS IN
SCHOOLS AND DEVELOPMENT OF SPORTS INFRASTRUCTURE BILL, 2019

By

SHRI SHRIRANG APPA BARNE, M.P.

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to promote sports education and physical fitness for an all-round development of children in the country and to develop international standard sports infrastructure in the country, by making sports a compulsory regular subject in schools and providing equal opportunity and incentives to sportspersons across the country and for matters connected therewith or incidental thereto.

WHEREAS the Memorandum of Understanding between India and Netherlands signed in New Delhi on the Thirtieth day of January, 2014 recognises that India aims to create a lasting legacy with the development of sports infrastructure for promoting sports, education and allied areas along with India's ambition to host global sports events in the future:

AND WHEREAS the United Nations, in its resolution 58/6 adopted by the General Assembly and sponsored by India, on the third day of November, 2003, recognises sport as

means to build a peaceful and better world and increased implementation of projects for development through sport:

AND WHEREAS the United Nations in its resolution 58/5 adopted by the General Assembly on the third day of November, 2003 recognises sport as a means to promote education, health, development and peace:

AND WHEREAS it is considered necessary to give effect to the said resolution.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Compulsory Physical Fitness of Children through sports in Schools and Development of Sports Infrastructure Act, 2019.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may by notification in the Official Gazette, appoint, and different dates may be appointed for coming into force of different provisions of this Act, and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision. 5

Definitions.

2. In this Act, unless the context otherwise requires,— 10

(a) “appropriate Government” means in the case of a State, the Government of the State, and in all other cases, the Central Government;

(b) “coach” includes any trained person involved with development of skills of an athlete for the sport;

(c) “notification” means a notification published in the Official Gazette and the expression “notify” shall be construed accordingly; 15

(d) “physical fitness” means optimal state of physical, mental health and wellbeing to be able to cope with daily needs and the ability to perform one's daily tasks efficiently; and

(e) “sports” means the sports specified in the Schedule. 20

Sports and
Physical
Fitness as a
regular
Subject in
Schools.

3. (1) From such date, as the Central Government may, in consultation with the State Governments, by notification specify, training in Sports and Physical Fitness shall be imparted as a compulsory subject in all schools.

(2) The appropriate Government shall take such measures as may be necessary to develop infrastructure of international standard for over-all development of student. 25

(3) The appropriate Government shall provide equal opportunities in sports to all sportspersons, create awareness, reduce stress and develop skill in sports as a whole in the country to achieve excellence in sports at the international arena.

Mandatory
Capacity and
Awareness
building
programmes.

4. The appropriate Government shall ensure capacity and awareness building programmes in sports through physical education that may include orientation on national cadets, scouts and guides, sports training and competitive sports along with demonstrations or workshops to guide students and help in building awareness about sports. 30

Guidelines to
be followed
by Schools.

5. The appropriate Government shall issue guidelines to be followed by each school to, —

(a) treat sports as a regular subject as a part of the curriculum in school, with separate theory and practical training for the students’ mental well-being and physical fitness; 35

(b) make evaluation of the subject through continuous grading and examinations so that the subject has equal weightage as other academic subjects;

(c) include the result of the subject as part of the regular mark-sheet obtained by the students in school; 40

(d) allocate a minimum number of hours in a months, for the training to be imparted compulsorily to students from sixth to twelfth standard; and

(e) allow students to choose from various sports with accredited coaches and coaching facilities:

5 Provided that schools may choose to offer separate sports facilities to students, depending on their infrastructure and accessibility to sports infrastructure.

6. The appropriate Government shall ensure that every school makes special provisions for physically challenged student to,—

10 (i) engage them into games and sporting activities which are not much physically intense activities such as Chess and Carrom.

(ii) arrange for special assistance programmes in each schools for those physically challenged students who fail in the module or course:

15 Provided that the special assistance programmes for physically challenged students shall be scheduled before or after regular school hours, to support the students to gain insights and strive to perform better by each student.

7. (1) The appropriate Government shall take measures to ensure that the necessary sports infrastructure is provided in every school.

20 (2) In case any school lacks sufficient sports infrastructure to facilitate sports training, the appropriate Government shall extend facilities to the students of such school by—

(i) providing free access to Sports infrastructure available in the divisional and district sports complex;

(ii) making necessary transport arrangements for students to visit and avail the sports facilities in the divisional or district sports complex.

25 (3) Every school shall maintain a record of students availing sports infrastructure and forward the details to the board for granting of aid, assistance or funds to the respective school.

30 (4) Every divisional or district sports complex where the students are availing the sports facilities shall maintain a record of all activities and forward the same to the appropriate Government for consideration of granting adequate funds for the upgradation of the divisional or districts sports infrastructure facilities.

8. The appropriate Government shall sportspersons regulate the selection of sportspersons for international and national events by selecting who qualify the standard selection criteria, as per norms and standard prescribed by Sports Authority of India.

35 **9.** The appropriate Government shall take necessary measures to spread awareness about sports education including the sports, regulations on anti-doping and other malpractices to promote sports as per international standard.

40 **10. (1)** The appropriate Government, by notification, shall mandate that any new infrastructure to be built in the country to be in accordance with international norms and guidelines as set by the International Olympic Committee for the development of Sports infrastructure by,—

(a) building both soft and hard infrastructure by taking international standards as benchmarks for the purpose of easing the accessibility to infrastructure for sports and games by sportspersons;

Special Provisions for Physically Challenged Students.

Adequate access to sports, infrastructure.

Selection procedure for international and national sporting events.

Promoting sports as a profession and creating awareness about anti-doping regulation.

Development of sports infrastructure according to international parameters.

(b) commissioning sports infrastructure in Divisional, State and National Level, in rural and urban parts of the country; and

(c) commissioning the construction of separate infrastructural facilities for both men and women in each sporting facility, like toilets and changing rooms etc.

(2) The appropriate Government shall ensure to provide at least minimum basic sports infrastructural facilities in every village and town to encourage sportsmanship at grass root level. 5

(3) The appropriate Government shall invest in the scaling up of the quality of infrastructure at major towns and regional centres.

Incentives to and promotion of sportspersons. **11.** The appropriate Government shall frame guidelines to promote talent and give incentives to students and sportspersons who represent the country at the national and international level, by— 10

(a) rescheduling of examinations, compensation of attendance and granting credits or by providing equitable credit system where in extra credits and grades are required to ensure that the students and sportspersons do not lose out or refrain from taking up sports at an extra-meritorious level; and 15

(b) providing job opportunities, preference for Government loans, concession on travel fares and minimum financial benefits for students and sportsperson.

Public sector undertakings to promote and support Sportspersons. **12.** (1) The appropriate Government, shall ensure that Government owned or Public Sector Undertaking Companies take responsibility for supporting talent and promising sportspersons by providing a quota for employment and funding expenses for meeting sports expenditure in the requirement of equipments and medical aid for sportspersons; 20

(2) Every Government Company and Public Sector Undertaking shall providing sports facilities to its and open its sports facilities to general public and students.

Penalty. **13.** The appropriate Government shall curtail grants and aids to a school if that school fails to comply with any of the provisions of this Act. 25

Central Government to provide Funds. **14. The Central Government, shall from time to time provide, after due appropriation made by the Parliament by law in this behalf, requisite funds for carrying out the purposes of this Act.**

Power to remove difficulty. **15.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government, in consultation with State Governments, may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of any difficulty: 30

Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act. 35

Power to make rules. **16.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid. Parliament agrees in making any modification in the rule or Parliament agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modifications or annulment shall be without prejudice to the validity of anything previously done under that rule. 40 45

THE SCHEDULE

[See Section 2C]

Sl. No.	Name of Sport
1.	Aero Sports
2.	Archery
3.	Athletics
4.	Atya Patya
5.	Aquatics
6.	Badminton
7.	Ball Badminton
8.	Baseball
9.	Basketball
10.	Billiards and Snooker
11.	Bridge
12.	Body Building
13.	Boxing
14.	Carrom
15.	Chess
16.	Cricket
17.	Cycling
18.	Cycle Polo
19.	Equestrian
20.	Fencing
21.	Football
22.	Golf
23.	Gymnastics
24.	Handball
25.	Hockey
26.	Ice Hockey
27.	Judo
28.	Kabaddi
29.	Kayaking and Canoeing
30.	Karate Do
31.	Kho-Kho
32.	Korfball
33.	Mallakhamb
34.	Mind Sports
35.	Motor Sports
36.	Netball
37.	Paralympic Sports
38.	Polo

Sl. No.	Name of Sport
39.	Power-lifting
40.	Rowing
41.	Roller Skating
42.	Rugby
43.	Sepak Takraw
44.	Shooting
45.	Shooting Ball
46.	Soft Ball
47.	Soft Tennis Ball
48.	Special Olympic Sports
49.	Sports for deaf person
50.	Squash Rackets
51.	Table Tennis
52.	Taekwondo
53.	Tennis
54.	Tenni-koit
55.	Tennis Ball Cricket
56.	Ten Pin Bowling
57.	Triathlon
58.	Throw Ball
59.	Tug of War
60.	Volleyball
61.	Weightlifting
62.	Winter Games (Skiing and Snowboarding)
63.	Wrestling (Free Style and Greco Roman)
64.	Wrestling (Indian Style)
65.	Wushu
66.	Yachting

STATEMENT OF OBJECTS AND REASONS

India is home to a billion plus population. However, our dismal performance at International sports like the Olympics, Asian Games and the Common Wealth Games, make it evident that there is an absence of thrust in sports in the country. Clearly, our culture and attitude towards sports is a major deterrent towards improving sporting standards in our country. Promoting sportspersons while providing equal opportunity, incentives and access to sporting facilities is essential, however, changing the attitude of people and bringing seriousness about sports education and training in physical fitness is of utmost importance. Moreover, sporting activities are means of a holistic development for all, a potential tool for the physical and mental well-being of people by inculcating values of leadership, teamwork, endurance, and focus along with bringing exposure, helping in skill development and increasing immunity towards various illnesses that in turn would increase the productivity of people and hence boost economic development throughout the country.

The United Nations recognises sport as a low-cost and high-impact tool in humanitarian development and peace-building efforts, the standard of which is increasingly being recognised. In India the prevalent scenario does not provide for students and sportspersons to excel in the arena of sports, leave alone emphasizing the importance of sports in physical fitness. Many schools across the country barely recognise the necessity of including sports in their schedule. The education system need to be revamped to give sports an equal importance in the holistic upbringing of future flag-bearers of the country.

The lack of infrastructural facilities and training of international standards are major impediments in the process of development of sports in India. Moreover, considering sports as a serious career option comes at the cost of education and job opportunities, falling attendance, grades and the struggle to earn a livelihood. Added to that is the cost and struggle to avail sporting facilities in various parts of the country.

This shouldn't be used in excuse and deter the Government to wash their hands off the responsibility of providing for sporting facility, from the grassroots level, in villages and small towns to upgrade the quality of infrastructure at major towns and regional centres.

This Bill intends to give sports education and physical fitness a status at par with other academic subjects taught at schools and hence makes sports education a compulsory module in all schools across the country, the evaluation of which would be through continuous grading and examinations as is the case with other subjects. Moreover, the Bill lays guidelines for schools to arrange for special assistance programs for those who fair poorly in the evaluation of the sports module to monitor their progress and physical fitness. The Bill seeks to make guidelines for the building of such infrastructure to meet the benchmark of international parameters. This is a step towards promoting a culture of sports and making the facility easily accessible to all sportspersons.

Also, the Bill seek to give incentives to those who excel in any field of sport by providing concessions and financial benefits, along with mandating all Public Sector Undertakings and Enterprises to provide compulsory quota for employment of sportspersons and make available their sporting infrastructure to all willing sportspersons in the country, as part of their social responsibility. Creating awareness

about sports and physical fitness is imperative to empower sportspersons and students alike for their overall development, in order to harness the talent and potential of the youth and bring international acclaim to India.

Hence this Bill.

NEW DELHI;
June 4, 2018.

SHRIRANG APPA BARNE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides sports and physical fitness education as a compulsory and regular subject in schools. Clause 4 mandates capacity and awareness building programmes. Clause 6 allows for special provisions for physically challenged students to participate in sports. Clause 7 provides that appropriate Government shall ensure availability of necessary sports infrastructure in every schools. Clause 10 lays down guidelines to be adhered to while commissioning sports infrastructure in the country to meet international standard. Clause 14 makes it obligatory for the Central Government to provide requisite funds for carrying out the purposes of this Bill. The Bill does involve expenditure towards building of infrastructure of international standards whenever it commissions the building of any such infrastructure after the enactment of the Act for Union Territory. The Bill will also involve expenditure towards infrastructural facilities and awareness programmes. The Bill, therefore, if enacted, will involve expenditure from Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one thousand crore per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 of the Bill empowers the Central Government, in consultation with the State Governments, to make necessary rules for carrying out the purposes of the Bill. As the rules will relate to matter of detail only, the delegation of legislative power is, therefore, of a normal character.

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