



Jammu and Kashmir State Information Commission

جموں اینڈ کشمیر اسٹیٹ انفارمیشن کمیشن

(Constituted under the Right to Information Act, 2009)

Wazarat Road, near DC Office Jammu, 0191-2520947, 2520937

Old Assembly Complex, Srinagar, 0194-2506660, 2506661

www.jksic.nic.in

File No.SIC/CO/SA/607/2018

Decision No. SIC/CO/SA/607/2018/1366

Appellant: Sh. Sonu Singh,
S/O Sh. Harbajan Singh
R/O Gole Gujral Talab
Tilloo, Jammu.

Respondents: 1. First Appellate Authority,
J&K State Sports Council.
2. Public Information Officer,
J&K State Sports Council.

Date of Registration: 11-04-2018

Date of Decision : 03-08-2018

FINAL ORDER

The present appeal has arisen out of RTI application dated 30-12-2017 filed by the appellant Shri Sonu Singh with PIO, J&K Sports Council seeking information on the following seven points:-

1. *Copy of proposal whereby criteria for allotting points to outstanding sports person formulated.*

2. *Provide me a copy of the criteria adopted by sports council for selecting outstanding sports person for the quota calendar year w.e.f. 2004 to 2014.*
3. *Provide me copy of the rule/order/notification where under the criteria mentioned in notification No. DIP/J-2831-P Dt. 20-12-2017 was adopted.*
4. *Whether the above said criteria has been approved by the J&K State cabinet.*
5. *Provide me the file noting of the file pertaining to the formulation of above said criteria.*
6. *Provide me the information related that the criteria of selection process is prepared before the notification, at the time of notification or after the notification.*
7. *Provide me the copy of SRO/order regarding changing the criteria of selection process.*

The PIO, J&K Sports Council vide his communication No. SE/2437-A/27580 dated 29-01-2018 furnished the information to the appellant replying all the queries raised by him in his RTI application. However, not satisfied with the reply furnished by the PIO, the appellant filed first appeal on 02-02-2018 contending thereunder that information in respect of point Nos. 2, 3, 5, 6 and 7 was incomplete. The appellant has alleged that the said first appeal was not disposed of by the FAA within the stipulated time with the result the appellant filed second appeal before the State Information Commission (SIC) on 11-04-2018

contending thereunder that no order was passed by the FAA on his first appeal and praying that a direction be issued to the PIO and the FAA to provide information as sought by the appellant.

Proceedings before the State Information Commission:

The appeal came up for hearing before the Commission on 03-08-2018. Mr. Noor Muhammad Wani, Administrative Officer/PIO and Sheikh Reyaz Ahmad, Section Officer (A) were present during the hearing while as the appellant Sh. Sonu Singh was heard through Video conferencing from Jammu office.

The appellant submitted that the information furnished by the PIO was incomplete particularly in respect of point No. 2, 3, 5, 6 and 7. The PIO submitted that information was furnished to the appellant well within the stipulated time on 29-01-2018. In point No. 2, the appellant had sought a copy of the criteria adopted by the J&K Sports Council by selecting outstanding persons for the quota calendar with effect from 2004 to 2014. In response, the PIO has provided him the information with respect to criteria for determination of eligibility for the quota of calendar years 2012 and 2013. In respect of quota calendars from 2004 to

2013, the PIO submitted that the said information was not available in the office as the same has been destroyed due to floods of 2014. In calendar years 2014 to 2016, the PIO submitted that the criteria to be adopted during 2014, 2015 and 2016 quota was prepared but the same has been stayed by the Hon'ble High Court at Jammu in writ petition titled Rohit Singh Jamwal vs. State and others. The appellant contested the claim of the PIO by submitting that the Sports Council has in a different RTI request filed by Monika Sharma provided the details in respect of the calendar years 2009 to 2011 vide communication No. SC/2437-A/5966 dated 27-01-2016. This information has been provided to the said Monika Sharma by the Administrative Officer/PIO of the Sports Council. The appellant further submitted that if the said information has been provided to the other RTI applicant, how can the PIO at present claim that records are not available in his office.

In point No. 3, the appellant has sought copy of rules, orders and notifications under which the criteria has been adopted. The PIO has informed him that the Sports Council has been authorized to invite applications from eligible candidates under Govt. order No. 19-GAD of 1999 dated 09-

02-1999. The appellant submitted that he has not been provided the copy of the said Govt. order.

In points 5,6 and 7, the appellant has sought notes pertained to formulation of criteria and copy of SRO/order whereunder criteria of selection process has been changed. The PIO has informed the appellant that draft criteria procedure for adoption in order to prepare merit list of eligible candidates for the quota of calendar years of 2014 to 2016 was prepared and the same was notified in print media including in the daily Excelsior dated 22-12-2017, so the said criteria is in the public domain. Similarly, the appellant has been informed that that no change has been made in the criteria laid down under SRO 349 of 1998 read with SRO 376 of 2004.

During the hearing, the PIO also informed the Commission that under notification-SRO 349 of 1998 read with SRO 376 of 2004, criteria for eligibility of sports persons has been laid down. The Government has reserved 25 posts of non gazette cadre from the overall strength for each calendar year for appointment of outstanding sports persons. The eligibility for being considered under the sports category is that the concerned candidate should have

represented the country in international competitions like Asian games, Common Wealth games, Olympic games, SAARC Asian games, Common Wealth Championship, SAARC games/championships or South Asian FC games/championships or World cup competitions or must have participated and earned one of the first three places in national games, or national championships, Federation cup, or inter zonal championship or All India Inter-state championships. Based on the participation in the international events or position in the national events, merit list is prepared by the Sports Council and thereafter recommended to the Government for consideration. There is a selection committee headed by Chief Secretary in the General Administration Department which considers the recommendations of the Sports Council and issues appointment orders.

After hearing the parties, the Commission is satisfied with the reply furnished by the PIO to the appellant on 29-01-2018 except the reply in respect of point No. 2 relating to information regarding criteria adopted for the calendar years 2004 to 2011. In case the Sports Council has furnished the reply in respect of calendar years of 2014 and 2016 to

another RTI applicant namely Monika Sharma, the PIO, Sports Council cannot claim that the records are not available in the office. Similarly, copy of Government order No. 19-GAD of 1999 dated 09-02-1999 has not been furnished to the appellant in response to point No. 3.

Decision:

The appeal is disposed of with a direction to the PIO, J&K Sports Council to make serious efforts in retrieving the records from 2004 to 2014 and provide the same to the appellant. The PIO is also directed to provide a copy of Government order No. 19-GAD of 2009 dated 09-02-2009 to the appellant. This shall be done within a period of one months from the date of receipt of this order positively, failing which appellant shall be at liberty to file a complaint before this Commission under and in terms of Section 15 of the J&K RTI Act, 2009.

Sd/-
(Mohammad Ashraf Mir)
State Information Commissioner.

Typed by:
Altaf Zullah, PS

Copy to:

1. First Appellate Authority (FAA)/J&K Sports Council
2. Public Information Officer (PIO)/ J&K Sports Council
3. Ms. Sonu Singh S/O Sh. Harbajan Singh R/O Gole Gujral Talab Tilloo, Jammu

(Sheikh Fayaz Ahmad)
Registrar,
State Information Commission, Srinagar