

Shermal Hemaka Jayasuriya v National Selection Committee, Ministry of Provincial Councils, Local Government and Sports

RTIC Appeal (In-Person Hearing)/ [745/2018]- (*Order adopted as part of a formal meeting of the Commission on 20.02.2019*)

Order under Section 32 (1) of the Right to Information Act, No. 12 of 2016 and Record of Proceedings under Rule 28 of the Right to Information Rules of 2017 (Fees and Appeal Procedure)

Chairperson: Mr. Mahinda Gammampila
Commission Member: Ms. Kishali Pinto-Jayawardena
Commission Member: Mr. S.G. Punchihewa
Commission Member: Dr. Selvy Thiruchandran
Commission Member: Justice Rohini Walgama

Appellant: Shermal Hemaka Jayasuriya
Notice issued to: Kamal Pathmasiri, Secretary, Ministry of Provincial Councils, Local Government and Sports

Appearance/ Represented by:

Appellant - Shermal Hemaka Jayasuriya
PA - M.M. Wijayasena, Ministry of Provincial Councils, Local Government and Sports

RTI Request filed on	23.08.2018
IO responded on	No response
First Appeal to DO filed on	12.09.2018
DO responded on	No response
Appeal to RTIC filed on	27.09.2018

Brief Factual Background:

The Appellant by request dated 23.08.2018 had requested the following,

1. Minutes of the meetings held by the National Selection Committee to select athletes for the Asian Games 2018 from 15th June 2018 to 15th August 2018,
2. Final list of Squash players selected for the Asian Games 2018 and the date list approved by the National Selection Committee and
3. Final list of Kabaddi players selected for the Asian Games 2018 and the date list approved by the National Selection Committee.

As the IO failed to respond within the time period stipulated under the Act the Appellant on 12.09.2018 lodged an appeal with the DO. As the DO too failed to respond within the time period stipulated under the Act the Appellant preferred an appeal to the Commission on 27.09.2018.

Matters Arising During the Course of the Hearing:

Upon being queried, the Appellant submitted the following with regard to his information request,

1. With regard to item No. 01, the Appellant submitted that the PA has informed him that it does not maintain the minutes of the meetings held by the National Selection Committee,
2. With regard to items No. 02 and 03, the Appellant submitted that the PA handed over the names of the final lists of Squash players and of Kabaddi players selected for the Asian Games without the date list approved by the National Selection Committee.

In response the Officer from the Ministry of Provincial Councils, Local Government and Sports submitted that the National Selection Committee consists of five volunteer officers appointed by the Minister in charge and that no public officer is involved in this committee. Therefore it was the PA's submission that no public funds were involved or provided by the Ministry of Provincial Councils, Local Government and Sports to this Committee.

Upon being queried as to the criteria followed by the National Selection Committee (NSC) on which it made the final selection for the Asian Games 2018, the PA submitted that a selection criteria is followed by the committee appointed for each sport (Tennis Committee, Squash Committee etc.) in selecting player(s) or a team and such lists are forwarded to the NSC. Thereafter, based on the above-mentioned lists the NSC will make the final decision.

Order:

The PA is directed to inquire from the National Selection Committee (NSC) as to the criteria followed by it to change or amend the lists forwarded by the committees appointed for each sport and the final lists of Squash players and of Kabaddi players selected for the Asian Games 2018 with the date list approved by the National Selection Committee. The PA is also directed to provide reasons as to why the NSC does not maintain minutes of its meetings.

RTIC Appeal/ 1013/19 was brought to the attention of the Commission as it is related to the present appeal. Both appeals will be considered on 23.04.2019.

The Appeal is adjourned.

Next Date of Hearing: 23.04.2019
