

(2013) 10 DEL CK 0010

In the Delhi High Court

Case No : Writ Petition (C) 5674 of 2012

Shaikh Abdul Hameed

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 04-10-2013

Acts Referred:

Citation : (2013) 10 DEL CK 0010

Hon'ble Judges : V.K. Jain, J

Bench : Single Bench

Advocate : Vasundhara Pathak Masoodi and Mr. Nitesh Rana, for the Appellant;

Final Decision : Disposed Off

Judgement

V.K. Jain, J.—The petitioner before this Court was nominated by the Ten Pin Federation of India in the year 2005 and 2012 for being considered for conferment of Arjuna Award. The petitioner, however, has not been conferred with the said Award. Being aggrieved from the denial of such an award, the petitioner is before this Court, seeking the following relief"s:-

a. A Writ, order or direction in the nature of Mandamus or any other suitable Writ, order of direction thereby directing the respondent to nominate the name of the petitioner for the Arjuna Award.

In its counter-affidavit, the respondent-Union of India has stated that selection of the sports persons for Arjuna Award is made on the recommendations of a duly constituted Selection Committee consisting of eminent sportspersons, former Olympians, former Arjuna Awardees and Sports Administrators, in terms of the eligibility criteria laid down in the scheme of Arjuna Awards and on evaluation and assessment of the nominations received from Indian Olympic Association, National Sports Federation, Sports Promotion Boards, State Governments, etc. It is further stated in the counter-affidavit that the name of the petitioner did not figure in the list of sportspersons, recommended by the said Selection Committee and, therefore, the Government did not confer such award on him. It is also

claimed in the counter-affidavit that Arjuna Award cannot be claimed as a matter of right. According to the respondent, the number of Arjuna Awards normally does not exceed 15 in a year, but, considering the Commonwealth Games and Asian Games, 18 sportspersons were conferred such award in the year 2011 and the number was increased to 25 in the year 2012, the said year being the Olympic Year and India having won six medals in London Olympics. However, the respondent has not denied the averment that the petitioner was nominated by Ten Pin Federation of India in the year 2005 as well as in the year 2012.

2. The scheme, framed by the Government for the Arjuna Awards for outstanding performance in sports and games, to the extent it is relevant, reads as under:

4.1 To be eligible for the Award, a sportsperson should have had not only good performance consistently for the previous three years at the International level with excellence for the year for which the Award is recommended but also should have shown qualities of leadership, sportsmanship and a sense of discipline.

4.3 The Government will only consider conferring Arjuna Award in the disciplines falling under following categories:-

a) Olympic Games/Asian Games/Commonwealth Games/World Cup/World Championship disciplines and cricket or any equivalent recognized international tournament.

b) Indigenous Games.

c) Sports for Physically challenged.

5. NOMINATION

5.1 The nominations for the Awards will be invited by the Ministry of Youth Affairs and Sports from all National Sports Federations recognized by the Government of India, Indian Olympic Association and State/UT Governments in the month of January each year. Last date for the receipt of nominations will be 30th April of the same year. These agencies will be allowed to make nominations upto a maximum of three eligible sportspersons.

5.2 In addition, nominations will also be invited from Sports Control/Promotion Boards of various Government Organizations such as the All India Police Sports Control Board, Army Sports Control Board, Railway Sports Promotion Board, Services Sports Control Board, Indian Navy Sports Control Board and Air Force Sports Control Board etc. These agencies will be allowed to make nominations upto a maximum of five sports persons.

5.3 In addition to the existing sponsoring authorities/agencies, Rajiv Gandhi Khel Ratna Awardees of the previous years can also nominate one eligible sportsperson each for Arjuna Award. Further, Director General, Sports Authority of India can also nominate upto three eligible sportspersons for this award.

5.4 The concerned agencies should send the application in one lot only and

should restrict the number of nominations as per the above guidelines. In case more nominations are made, any first three/five nominations (as the case may be) will be considered.

5.5 Notwithstanding the above, Government reserves the right to make nomination of sportspersons in deserving cases where no such nominations have been received from the agencies mentioned under the Scheme.

The nominations are to be verified and confirmed from officials records and thereafter the awards have to be decided by a Selection Committee consisting of the following:-

Clause 9.6 of the aforesaid scheme provides that the Committee will determine its own work procedure and its proceedings will be treated as confidential.

3. A perusal of the recommendations made by the Selection Committee for conferment of Arjuna Award in the year 2012, would show that as many as 25 names were commended by the said Committee for conferment of Arjuna Award. The name of the petitioner does not figure in the said list.

4. The grievance of the petitioner is that no guidelines have been framed by the Government on the basis of which the Selection Committee is to make recommendations to the Government for conferment of such award and in the absence of guidelines, the Selection Committee has been acting in an arbitrary manner and there are various complaints, alleging favouritism and corruption in conferment of such awards. The petitioner, therefore, wants the Government to frame appropriate guidelines so that the recommendations made by the Selection Committee are based on an objective criteria, leaving no scope for any favouritism or arbitrary decision.

5. I am of the view that the Government of India must necessary consider framing of appropriate criteria/guidelines to be adopted by the Selection Committee, while making recommendations for conferment of Arjuna Award, since in the absence of any guidelines/objective criteria, there is always a possibility of arbitrariness and sometimes favouritism creeping in the recommendations made by the Selection Committee, irrespective of the status of the persons constituting the Selection Committee. It may not be appropriate or even possible to frame guidelines/criteria to such an extent that the Selection Committee has no role to play in the matter and its recommendations become wholly mechanical, but, some broad and objective criteria would be desirable for the guidance of the Selection Committee.

6. In these circumstances, the writ petition is disposed of with a direction to the respondent-Union of India, Ministry of Youth Affairs and Sports to consider framing appropriate guidelines/objective criteria to be applied by the Selection Committee, in making recommendations for conferment of Arjuna Award. An appropriate decision in this regard shall be taken by the respondent within three months from today. Since the recommendations made by the Selection

Committee for the year 2012 do not indicate as to which were the nominations received and considered by the Selection Committee and consequently, it is not possible to know whether the nomination of the petitioner was duly considered by the said Committee or not, it is also directed that nomination received by the respondent Ten Pin Federation of India, be placed before the Selection Committee when it next meets to consider making recommendations for conferment of Arjuna Awards.

The writ petition stands disposed of accordingly.

There shall be no order as to costs.