

A. A. Yogarani v Office of the Regional Assistant Commissioner of Local Government – Jaffna

RTIC Appeal (Documentary) **313/2021** – Order adopted as part of the formal meeting of the Commission on **27.04.2021**

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).

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

Director-General: D G M V Hapuarachchi

Appellant: A. A. Yogarani
Notice issued to: Designated Officer, Office of the Regional Assistant Commissioner of Local Government – Jaffna

RTI Request filed on	13.05.2019
IO responded on	No Response
First Appeal to DO filed on	17.06.2019
DO responded on	No Response
Appeal to RTI filed on	04.11.2019

Brief Factual Background:

The Appellant made above dated information request, as below:

- “1. How many families applied for your Authority requesting locations under 2010 Housing Scheme? Provide the document mentioning the locations provided for them.*
- 2. On what basis, did your Authority select the Mathakalirai as a location for Housing scheme? Need a document with reason*
- 3. Where is the land which belongs to Dharmakulasingam? Provide the Certified document of it.*
- 4. Provide the certified copy of Dharmakulasingams address.*
- 5. Provide the certified copy of the document that he is a qualified person to get a House in this scheme.*

6. Provide the certified copy of the document that he does not have another house and he lives in a tent.”

The Information Officer responded on 14.10.2019 stating that this is not a matter which falls within the purview of the Right to Information Act No. 12 of 2016. The Appellant appealed to the Designated Officer. As the Designated Officer failed to respond within the stipulated time period, the Appellant appealed to the Commission on 05.11.2019.

Matters Arising at the Hearing:

Responding to the notices issued by the Commission on 07.04.2021, the Public Authority has stated that the information requested has been obtained from Valikamam South West Pradeshiya Sabha, and is annexed thereto.

The office of the Commission attempted to contact the Appellant *via* telephone on 20.04.2021, and 27.04.2021, to ascertain whether the information provided by the Public Authority corresponds to the information requested, but the Appellant was not reachable on either occasion.

Order:

As the information requested for has been provided by the Public Authority, this Appeal is concluded on this basis. The Appellant may, if she is dissatisfied with the information so given, inform this Commission of the same within one month of the receipt of this Order.

Nevertheless, the Commission notes that the Public Authority has not adhered to the timelines set out in the Right to Information Act for responses of the Public Authority in relation to information requests as contained in Sections 25(1) and 31 (3). The attention of the Public Authority is thus drawn to the aforementioned sections which are reproduced below;

Section 25 (1):

An information officer shall, as expeditiously as possible and in any case within fourteen working days of the receipt of a request under section 24, make a decision either to provide the information requested for on the payment of a fee determined in accordance with the fee schedule referred to in section 14(e) or to reject the request on any one or more of the grounds referred to in section 5 of this Act, and shall forthwith communicate such decision to the citizen who made the request.

Section 31(3) states that:

The decision on any appeal preferred under subsection (1), shall be made by the designated officer within three weeks of the receipt of the appeal and shall include the reasons for the said decision including specific grounds for the same.

Order is conveyed to both parties in terms of Rule 27 (3) of the Commission's Rules on Fees and Appeal Procedures (Gazette No. 2004/66, 03.02.2017).

Appeal Concluded.

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Mahinda Gammampila – Chairman

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Kishali Pinto-Jayawardena – Commission Member

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Selvy Thiruchandran – Commission Member

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S.G. Punchihewa – Commission Member

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R. Walgama – Commission Member