

Vinura Jayasekera vs. Ministry of Hill Country New Villages, Infrastructure and Community Development

RTIC Appeal (In-Person Hearing) 484/2018- Order adopted as part of a formal meeting of the Commission on 10.12.2018.

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: Mahinda Gammampila

Commission Member: S.G. Punchihewa

Commission Member: Justice RohiniWalgama

Commission Member: Dr. Selvy Thiruchandran

Appellant: Vinura Jayasekera

Notice Issued to: Secretary, Ministry of Hill Country New Villages, Infrastructure and Community Development

Appearance/Represented by:

Appellant Absent

PA D.P.M.C.N. Dharmaraja- Public Management Assistant

K.K.P.S. Rathnayake- Assistant Secretary

A. Stanley De Mel- Additional Secretary

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| RTI Request filed on | 09.01.2018 |
| IO responded on | No Response |
| First Appeal to DO filed on | 15.02.2018 |
| DO responded on | No Response |
| Appeal to RTIC filed on | 11.05.2018 |

Brief Factual Background:

The Appellant by his letter dated 09.01.2018 had requested the following information.

1. All documents pertaining to:

a- Relevant extracts of the expenditure estimates submitted by or requests for funds made by the Ministry of Housing and construction in relation to the above mentioned proposal, to the National Budget Department from July 1st to December 31st 2017.

This requirement is in accordance with the requirements under the National Budget Circular 02/2016 issued 2nd August 2016 which outlines Guidelines and Directions for the preparation for Annual Budget Estimates-2017

The amount the Treasury agreed to allocate to implement the above-mentioned proposal from July 1st to December 31st 2017. Including any proof of receipt to confirm that the funds have been remitted by the Treasury to the Ministry for the implementation of the above mentioned budget proposal.

2. Amendments to the documents detailing plan of implementation of the above-mentioned proposal including work plans, action plans, expected annual performance, financial plan, procurement of goods and services, minutes of meetings and any other documents.
3. Documents detailing progress of implementation of the above-mentioned proposal by the end of the year (as at 31st December 2017) (e.g. progress reports, progress reviews, reporting of quarterly physical progress of works, reporting of monthly financial progress of works, minutes of meetings and any other documents).
4. Amendments to the information relating to the source of funding of the above mentioned budget proposal (i.e. whether the source of funding is domestic n- foreign). In the event the above-mentioned proposal is foreign-funded, the names of the sources of foreign funding is requested.

As the IO failed to respond within the time period stipulated under the Act the Appellant on 15.02.2018 lodged and appeal with the DO. As the DO too failed to respond with the time period stipulated under the Act the Appellant preferred an appeal to the Commission on 11.05.2018.

Matters Arising During the Hearing:

The Appellant had requested for information from the Designated Officer for he did not receive information. He had made an application to the RTI Commission. During the time public authority had referred his request to the relevant institution and had got the information. Public Authority then informed the appellant to visit the office and get the information. But the appellant had failed to do so. On the day (10.12.2018) of inquiry the public authority was present but the appellant was absent.

Order:

The application is dismissed hereby.

Order is hereby 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).

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Mahinda Gammampila – Chairman

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Justice R. Walgama – Commissioner

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At the Right to Information Commission of Sri Lanka

S. G. Punchihewa – Commissioner

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Selvy Thiruchandran – Commission Member