

P. Anbarasi v Divisional Hospital-Maskeliya

RTIC Appeal (Documentary) **607/2021** – Order adopted as part of the formal meeting of the Commission on **03.01.2022**

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: Rt. Justice Upali Abeyratne
Commissioner: Ms.Kishali Pinto-Jayawardena (Attorney-at-Law)
Commissioner: Rt. Justice Rohini Walgama
Commissioner: Mr. Jagath Liyana Arachchi (Attorney-at-Law)

Appellant: P. Anbarasi
Notice issued to: Designated Officer – District Land Reform Board- Nuwera-Eliya

Information request filed on	28.01.2020
IO responded on	No response
First Appeal to Designated Officer filed on	25.02.2020
Designated Officer responded on	No response
Appeal to Right to Information Commission filed on	31.07.2020

Brief Factual Background:

By above dated information request, the Appellant requested the below information;

- “1. Certified copy of details of available number of Ambulances using for the additional treatment in Divisional Hospital Maskeliya*
- 2. Details of the hospital referred the outpatients through the Divisional Hospital Maskeliya and the details regarding to whether there is a deficiency in Ambulances using for this service. Provide certified copy of them”*

As the Information Officer failed to respond within the time period stipulated in the Act, the Appellant appealed to the Designated Officer on 25.02.2020. The Designated Officer too failed to respond within the time period stipulated in the Act, the Appellant preferred an appeal to the Commission on 31.07.2020.

Matters Arising at the Hearing:

In response to the notice issued by the Commission, the PA filed its written submission on 28.12.2021, addressed to the Appellant with copy to the Commission (received via e-mail), stating the below:

- **Details regarding the Ambulance:**
Only one ambulance is available in this hospital and it is ‘LW-0160’

- **Details regarding the transfer of patients to another hospital:**
The patients are transferred to Dikoya District Base Hospital from here
- **Steps taken in absence of an ambulance:**
We will call an ambulance from nearby hospital and internal procedures are to be followed in such situation. (copy of such internal procedure attached).

Patients will be allowed to go to the respective hospital by their own vehicle, if they are unable find an ambulance.

Order:

The Commission notes that the PA has not adhered to the timelines set out in Sections 25 (1) and 31 (3) of the RTI Act within which the PA must respond to information request/appeals to DO thereto. The attention of the PA 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.

In view of the PA responding to the information request of the Appellant by providing the information, this Appeal is concluded. The Appellant is notified that if the Appellant is not in receipt of the information or is dissatisfied with the information so provided, the Appellant may inform the Commission of the same in writing within one month of the receipt of this Order.

Appeal Concluded.

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).