

**W.M.P.H. Holdings v. Urban Development Authority**

RTIC Appeal (In-Person Hearing) 1707/2019- Order adopted as part of the formal meeting of the Commission on 25.02.2020

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

**Director-General:** D.G.M.V. Hapuarachchi

**Appellant:** W.M.P.H. Holdings

**Notice issued to:** Designated Officer, Urban Development Authority

**Appearance/ Represented by:**

Appellant – Shafi Barham (CEO)  
PA - Vinitha Ranasinghe (I/O)

<b>RTI Request filed on</b>	18.06.2019
<b>IO responded on</b>	Acknowledgement – 21.06.2019
<b>First Appeal to DO filed on</b>	22.07.2019
<b>DO responded on</b>	No response
<b>Appeal to RTIC filed on</b>	06.08.2019

**Brief Factual Background:**

The Appellant had requested the following items of information, by an information request dated 18.06.2019

- 1. All board papers and subsequent board papers pertaining to the allocation and cancellation of land in Sri Jayawardenapura area to WMPH Holdings Inc, Seoul Korea and reallocation of the said land to Ananda College, Maradana.*
- 2. All correspondence between Urban Development Authority and Sri Lankan Embassy in South Korea with regards to verification and authentication of WMPH Holdings INC. Seoul, Korea.*

As the IO failed to respond within the time period stipulated under the Act the Appellant on 22.07.2019 lodged an 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 06.08.2019

**Matters Arising During the Course of the Hearing:**

When Queried by the Commission the Appellant accepted that it had not averred citizenship in terms of the requirement under Section 43 the RTI Act. Furthermore, it was also stated by the Appellant that it had received information in relation to item 1 but not information in relation to item 2. The Public Authority stated that it needed more time to provide item 2.

**Order:**

The Commission observes that the Appellant has not satisfied the citizenship requirement under and in terms of Section 43 of the Right to Information Act No. 12 of 2016. Accordingly, the Appellant is directed to provide documentary proof asserting that more than three-fourth of the members of the body are citizens on or before the next hearing date.

Section 43 of the Act states as follows,

“In this Act, unless the context otherwise requires—  
“**Citizen**” includes a body whether incorporated or unincorporated, if not less than three-fourths of the members of such body are citizens;”

The Appeal is adjourned to 02.06.2020 at 11.30 a.m.

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).

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