

**H. M. C. A. Jayasiri v. Sri Lanka Police/ Assistant Superintendent of Police's Office
Awissawella**

RTICAppeal(In-Person)/154 /2017 - *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)* – heard as part of a formal meeting of the Commission on 08.01.2018

Chairperson: Mr. Mahinda Gammampila
Commission Members: Ms Kishali Pinto-Jayawardena
Mr. S.G. Punchihewa
Dr. Selvy Thiruchandran
Justice Rohini Walgama
Present: Director-General Mr. Piyathissa Ranasinghe

Appellant: Mr. H. M. C. A. Jayasiri
Notice Issued to: Designated Officer, Sri Lanka Police, Headquarters

Appearance/ Represented by:

Appellant - Mr. H. M. C. A. Jayasiri
Public Authority - D. S. D. Weerasinghe A. S. P. Police
Rasika Rathnayaka HQ Awissawella
K A S W Kumarajeeva OIC Legal
K Udaya Shantha OIC Awissawella

RTI Request filed on	17.02.2017
IO responded on	No response
First Appeal to DO filed on	15.03.2017, 27.03.2017
DO responded on	No response
Appeal to RTIC filed on	23.05.2017

Brief Background Facts:

Upon perusing through the documents submitted by the Appellant to the Commission it was evident that the Appellants information request is a grievance in relation to a pig sty owned by him which was closed down by the relevant authorities. It was further evident that the Appellant had appealed to the Commission on related matters considered as RTIC Appeal/105/2017 and

106/2017. The Appellant had requested the progress of the complaint made by the Appellant to the ASP's Office- Avissawella and the Police Headquarters in relation to matters connected to the closing down of his pig sty and related events.

Matters Arising During the Course of the Hearing:

During the hearing the Appellant stated that he had made several complaints to the Police and that the information he sought is the action taken in relation to the said complaints i.e. the progress made by the PA in inquiring into the said complaints and the documentary evidence collected during the said inquiry.

It became evident during the course of the hearing that the Appellant had made over 20 complaints to the PA on the same issue (closure of the Appellant's pig sty) between the period of 2012 and 2017.

The Appellant submitted that the PA had issued reports subsequent to inquiries conducted by it. The Appellant submitted that he wants a copy of these reports and all other inquiry reports in relation to the complaints made by him. The Appellant further submitted that the complaints made to the Police Headquarters were in relation to the inaction of the Avissawella Police in relation to the complaints made to the ASP Avissawella. The Appellant also submitted that the Police Headquarters had responded stating that it would inform the Appellant once steps were taken in relation to the complaint. However according to the Appellant the PA had failed to respond.

The PA submitted that it faced issues in relation to the appointment of IOs during the implementation of the Right to Information Act No 12 of 2016. However the PA submitted that it had in its custody one report where it showed that the Police had given advice in relation to a civil case.

The Appellant at one point during the hearing submitted that reports had been provided but that the said reports were fabrications and that the Police had made false reports against him. The PA was queried as to whether it was willing to provide the Appellant with these inquiry reports. The PA responded that it was willing to provide the inquiry reports in relation to which Section 5 of the Act does not apply. It further submitted that in relation to certain inquiry reports the PA had decided to pursue the matter in court and that in such instance it was not willing to disclose the information.

The Appellant was queried as to what other information he required. The Appellant submitted that he required the complaint made, the evidence collected, the observations and the orders made. The PA submitted that it was willing to provide the information. Accordingly the Appellant read out the exact complaints and dates on which they were made, in relation to which he requested inquiry reports.

Order:

Of consent the PA agreed to provide the inquiry reports in relation to the complaints made by the Appellant which would include the complaint itself, evidence collected in relation to the said complaint, the respective observations and orders made on or before 23.03.2018 which is the next date of hearing, with a copy of the covering letter to the Commission.

The appeal is adjourned.

RTICAppeal(In-Person)/154 /2017 - *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)* – heard as part of a formal meeting of the Commission on 23.03.2018

Chairperson: Mr. Mahinda Gammampila
Commission Members: Ms Kishali Pinto-Jayawardena
Mr. S.G. Punchihewa
Dr. Selvy Thiruchandran
Justice Rohini Walgama
Present: Director-General Mr. Piyathissa Ranasinghe
Appellant: Mr. H. M. C. A. Jayasiri
Notice Issued to: Designated Officer, Sri Lanka Police, Headquarters

Appearance/ Represented by:

Appellant - Mr. H. M. C. A. Jayasiri
Public Authority - Rasika Rathnayaka HQ Awissawella
Udaya Shantha, OIC Awissawella

Matters Arising During the Course of the Hearing:

The Appellant submitted that the ASP's Office Awissawella had not provided him with the relevant inquiry reports of three complaints which were read out during the course of the hearing. He further submitted that he wanted to go through the relevant Police complaint book to clarify certain discrepancies. The PA consented to this.

The Appellant submitted that in relation to his request to the Police Headquarters the PA had not provided the information. The Appellant submitted that on the previous occasion the

Police Headquarters was present and represented and that it agreed to provide the information. The PA submitted that the Police Headquarters generally directs a complainant to the relevant police division and does not record complaints of its own accord. The Appellant also submitted that the Kegalle DIG's Office had not responded to his information request.

Order:

The PA (Awissawella ASP's Office) agreed to provide the information requested at the hearing. The Appellant is directed to pinpoint the exact information he is requesting from the Police Headquarters and the Kegalle DIG's Office.

The Appeal is adjourned.

Next date of hearing 15.05.2018.
