

**Buddika Sandyapriya Vs. Inland Revenue Department - Southern Province**

RTIC Appeal (**In person hearing**)/ 2077/2020 **Order** adopted as part of the formal meeting of the Commission on **14.09.2020**

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:** Mr. S.G. Punchihewa  
**Commission Member:** Dr. Selvy Thiruchandran  
**Commission Member:** Justice Rohini Walgama

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

**Appellant:** Buddika Sandyapriya

**Notice issued to:** Designated Officer, Inland Revenue Department - Southern Province

**Appearance/ Represented by:**

Appellant: Unpresented  
PA: K.L. Ranjith Senevirathne, Commissioner

<b>RTI Request filed on</b>	21.20.2019
<b>IO responded on</b>	29.11.2019
<b>First Appeal to DO filed on</b>	12.12.2019
<b>DO responded on</b>	31.12.2019
<b>Appeal to RTIC filed on</b>	08.01.2020

**Brief Factual Background:**

The Appellant had requested the following items of information, by an information request dated 21.20.2019;

- 1. List of the Commissioners, Deputy Commissioners of the Southern Provincial Revenue Department and Senior Assessors appointed under the Finance Statute No. 7 of 1990.*
- 2. Schedule of dates assigned to the Commissioner of Southern Provincial Revenue Department, Deputy Commissioner and Senior Assessors appointed under the Finance Statute No. 07 of 1990.*

*At the Right to Information Commission of Sri Lanka*

- 3. Certified copies of appointment letters to the Commissioner, Deputy Commissioners of the Southern Provincial Revenue Department and Senior Appraiser and Assessors appointed under the Finance Act No.7 of 1990.*
- 4. Certified copy of the educational qualification and Graduate Certificates of the Commissioner, Deputy Commissioners of the Southern Provincial Revenue Department and Senior Appraisers appointed under the Finance Statute No.7 of 1990.*
- 5. Certificate of Education, Degree, Commissioners of the Southern Provincial Revenue Department, and Senior Assessors appointed under the Finance Statute No.7 of 1990.*
- 6. Certificate of Education, Degree Commissioners of the Southern Province Revenue Department and Senior Assessors appointed under the Finance Statute No7 of 1990.*
- 7. Senior Assessors appointed under the Finance Statute No.7 of 1990of the Department of Revenue of the Southern Province.*
- 8. If the Senior Assessors appointed under the Finance Statute No 7 of 1990 of the Southern Provincial Revenue Department do not possess the educational qualifications of the assessor's assessment subject, on what basis and under what section of the Southern Provincial Finance Statute do they act.*
- 9. Senior Assessors appointed under the Finance Statute of the Provincial Revenue Department of Southern Province under the Finance Statute No.7 of 1990.*
- 10. Senior Assessors appointed under the Finance Statute of No.7 of Southern Provincial Revenue Department, if they do not possess the educational qualification of the assessment valuation subject, they are listed as Assessors of the Southern Provincial Income Tax Department on the date of issuing assessment certificates.*
- 11. Assessment Certificates issued by the Assessors of the Southern Provincial Revenue Department under Section 10 of the Finance Statute No. 07 of 1990 if the Senior Assessors Department under the Finance Statute No,7 of 1990 of the Southern Provincial Revenue Department do not possess the education qualifications of the Assessment subject, and the assessments issued under Article 48 are lawful Rights.*
- 12. If the answer to question 11 is yes, what are the reasons?*

The Information Officer by his response dated on 29.11.2019, had informed the Appellant that above mentioned information request cannot be shared as it is restricted in terms of Section 5(1)(a) of the Right to Information Act No.12 of 2016.

Being aggrieved by the above response of the IO the Appellant appealed to the DO on 31.12.2019, In effect DO had upheld the response of the IO. As the

Appellant was dissatisfied with the decision of the public authority, had preferred an appeal to the Commission accordingly.

The Commission on receipt of the above appeal, noticed both parties to appear before the Commission on 14.09.2020 for the hearing of the appeal.

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

On the above date of the hearing only the public authority was represented, but the appellant was absent and unrepresented.

When the appeal was taken up for hearing the public authority, informed the Commission that they have responded to the item, No.1 in the requested information and gave an undertaking to release item No.2 and 3 of the requested information thereto.

Nevertheless, it was informed by the public authority that requests items No. 4 to 12, cannot be released as the information relates to the personal information of different parties.

**Order:**

In the above assertion, the Commission was of the view that the public authority has acted as per confines of the Right to Information Act No. 12 of 2016.

Hence the appeal was concluded accordingly.

Appeal is 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).

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Mahinda Gammampila – Chairman

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S.G. Punchihewa – Commission Member

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Selvy Thiruchandran – Commission Member

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R. Walgama – Commission Member