

M.M NIBRAS MANSOOR VS PRESIDENTIAL SECRETARIAT

RTIC Appeal (Documentary)/[618]/[2018]- Minute adopted as part of the formal meeting of the Commission on [30/09/2019]

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: Mr.Mahinda Gammampila

Commission Member: Mr.S.G.Punchchihewa

Commission Member: Dr. Selvy Thiruchandran

Commission Member: Justice Rohini Walgama

Appellant: M.M Nibras Mansoor

Notice issued to: Designated Officer, Municipal Council,Kalmunai

RTI Request filed on	21/09/2017
IO responded on	07/11/2017
First Appeal to DO filed on	12/10/2017
DO responded on	No response
Appeal to RTI filed on	01/12/2017

Brief Factual Background:

Hon.President Maithripala Sirisena, in a special gazette notification dated 11/09/2017 has declared Specific Sinhala leaders and rebels of the 1818 Uva rebellion who were sentenced to death and expelled to Mauritius as patriotic national heroes of our country. His Excellency further declared that decedents of such Sinhala leaders as patriotic national hero's generation. Appellant requested following items of information from the PA in related to above mentioned declaration.

1. List the Muslim Heroes who were sentenced with Death Penalty for taking part in 1818 Uva rebellion
2. List the Muslim Heroes who were expelled to Mauritius for taking part in 1818 Uva rebellion
3. If List the Muslim Heroes who were sentenced with Death Penalty and expelled to Mauritius for taking part in 1818 Uva rebellion has been published in Gazette copy of such list.
4. In which date from which dated source such list of Heroes who were sentenced with Death Penalty and expelled to Mauritius for taking part in 1818 Uva rebellion as published in Gazette was extracted and if so where to look for such document?
5. If a citizen has to meet his Excellency the president Hon. Maithripala Sirisena, what is the procedure that has to be followed in order to get the permission and whether a specific date is to meet his Excellency?

I/O failed to answer the information request within the time limit stipulated in the Act. Appellant appealed to the D/O on 12/10/2017.In such circumstances after the appeal to the D/O, I/O

responded to the Appellant. Dissatisfied with the response Appellant appealed to the Commission on 01/12/2017.

Matters Arising During the Course of the Hearing:

This matter was decided as a documentary procedure and written submissions were required from both parties to the Commission. According to the written submission made by Appellant on 07/11/2017 it was evident that PA has failed to respond to the information request made by the Appellant. PA didn't submit a written submission.

Considering the response by the I/O Commission directed that information requested by the Appellant from presidential secretariat on 07/11/2017 to be diverted to Director General of Government Information Department since the information requested were not in control of presidential Secretariat.

Order:

The Commission confirmed the answers given by the information officer because information requested were not in possession, custody, or control of PA. Further Commission directs the Appellant to obtain the information by applying to the relevant Public Authority.

Order is conveyed to both parties in terms of rule 27(3) of the Commission's Rules on Fees and Appeal Procedure (Gazette No 2004 / 66 ,03/02 2017).

The Appeal is concluded.
