

A.L. Farzith v Divisional Secretariat, Ampara

RTIC Appeal (Documentary Proceeding)/ 1921/2020 - Minute adopted as part of the formal meeting of the Commission on 07.07.2020

Chairperson: Mr. Mahinda Gammampila
Commission Member: Ms. Kishali Pinto-Jayawardena
Commission Member: Mr. S.G. Punchihewa
Commission Member: Dr. Selvy Thiruchandran

Director-General: D G M V Hapuarachchi

Appellant: A. L. Farzith
Notice issued to: Designated Officer, Divisional Secretariat, Ampara

RTI Request filed on	27.02.2019
IO responded on	No Response
First Appeal to DO filed on	14.06.2019
DO responded on	No Response
Appeal to RTIC filed on	21.08.2019

Brief Factual Background:

The Appellant filed Information Request dated 27.02.2019 requesting the following information from the Information Officer of the Divisional Secretariat, Ampara:

On 26.02.2018, at around 9.30 p.m., the Appellant's "Kasim Hotel" was completely destroyed due to racial violence. A police complaint was made in this regard. The relevant Grama Niladhari and Assessment Officer (together with others) visited the Appellant's restaurant and assessed damages in this regard. When the Appellant complained to the Public Authority in this regard, the Appellant was provided with a compensation form to be duly completed and submitted, which the Appellant complied with.

The Information requested in this regard is as follows:

1. Since no action has been taken to date by the Public Authority regarding my claim for compensation, what actions have been taken (and certified copies of such action taken) regarding my complaint dated 09.03.2018.
2. What are the reasons for delay in taking action in this regard?

As the IO failed to respond within the time period stipulated under the Act the Appellant on 14.06.2019 lodged an appeal with the DO. As the DO too failed to respond within the time period stipulated under the Act the Appellant preferred an appeal to the Commission on 21.08.2019.

Matters Arising During the Course of the Hearing:

By undated letter (bearing date stamp 15.07.2020) the Public Authority has communicated to the Commission that by writing dated 29.10.2019, the Public Authority has communicated to the Appellant that his information request has been forwarded to the District Secretariat, and that the Appellant should make relevant inquiries from the District Secretariat.

However, the Ampara District Secretariat has written to the Public Authority by writing dated 03.07.2020 (bearing date stamp 08.07.2020), with copy to the Commission, that this Appeal is not a matter that falls within its purview, but within the purview of the Public Authority.

Order:

The Public Authority is hereby directed to query from the District Secretariat as to the steps taken in relation to the complaint, with a copy to the Appellant and Commission and to revert with the responses provided thereto.

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).

Next date of Hearing: 29.09.2020

The Appeal is adjourned.
