

The Right to Information Commission

K.Prasanna Kumar,
Thinakkural,
185, Grandpass Road,
Colombo 14

-Appellant-

RTIC App/No : 2000/2020

Vs.

Sri Lanka Army
Sri Jayawardanapura
Colombo

-Public Authority-

Before :

1. Justice Upaly Abeyrathne (Rtd.) - Chairman
2. Ms. Kishali Pinto-Jayawardena (Attorney-at-Law) - Commissioner
3. Mr. Jagath Liyana Arachchi (Attorney-at-Law) - Commissioner

Appearance : The Appellant is present.

The Public Authority represented by Major A.W.K.A.D Amarathilake
(Legal Officer)

Written Submission

The Appellant : Not submitted
The Public authority : 07.09.2020

Date of Hearing : 20.10.2020, 19.01.2021, 02.03.2021, 29.06.2021, 27.07.2021 &
11.01.2021

Decided on : 08.04.2022

Decision of the Commission:

Brief Factual Background:

The Appellant by the request dated 06.07.2019, requested the below information,

1. *The number of forces stationed in the Northern Province*
2. *Number of camps in the Northern Province*
3. *Details of lands acquired for setting up camps in the Northern Province*
4. *Details of lands released out of the lands acquired*
5. *Details of compensation paid to land owners in lieu of the acquisition of lands*
6. *Details of the income earned in the Northern Province by the forces*
7. *Annual Expenditure details of the forces in the Northern Province*
8. *Details of development work carried out by the forces in the Northern Province*

The Information Officer responded dated 26.07.2019, acknowledging the request. Having received no further response from the Public Authority, the Appellant appealed to the Designated Officer dated 12.09.2019. As the Designated Officer too failed to respond within the time stipulated under the Act, the Appellant appealed to the Commission dated 23.10.2019.

Responding to the notices issued by the Commission, the Public Authority on 07.09.2020 stated that the information requested in points of information 3, 4 and 5 have already been released to the Appellant as evidenced in Annexure "A". Responding further the Public Authority stated that revealing the information requested under points of information 1, 2 and 7 may be prejudicial to the defence of the state and National Security as provided for by Sections 5 (1) (b) (1) and 5 (1) (h) (ii) of the Right to Information Act No.12 of 2016.

On previous hearings of this appeal 20.10.2020 and 02.03.2021, 29.06.2021 and 27.07.2021, the Appellant accepted that he had received the information in respect of item no. 3, 4 and 5 and at the instant hearing. The Public Authority handed over information relevant to item no. 8 of the information request. Also, the Commission has accepted the Public Authority's submission made in respect of the denial of information in item no. 1 and 2 of the information request.

Consideration:

The Commission is mindful of its orders made on 20.10.2020 and 02.03.2021, 29.06.2021 and 27.07.2021 as reflected in the order of the Commission 27.07.2021, the Commission has observed

that the Public Authority has failed to adequately adduce the nexus between points of information no. 6 and 7 namely;

6. Details of the income earned in the Northern Province by the Army.

7. Annual expenditure details of the Army in the Northern Province.

Major Amarathilake who represents the Public Authority tendered two letters to the Commission dated 21.03.2022 and 30.03.2022 respectively, and submitted that the Public Authority does not maintain separate accounts on provincial basis. He further informs that the total income of the Army is credited to a centralized account and all expenditures are made of the said centralized account. Therefore, they are not in a position to provide a breakdown in terms of the Northern Province as requested by the Appellant which would involve the Public Authority checking each and every item, particularly as the Appellant has not mentioned a time period in his said information request.

Considering the said circumstances, the Commission decides to conclude this appeal.

The Director General is directed to convey the Order to the Appellant, the Information Officer and the Public Authority.