

The Right to Information Commission

M.A Mansoor,
No. 153,
Rahmaniyabath,
Addalaichenai - 07

-Appellant-

RTIC App/No : - 365/2021

Vs.

Pradeshiya Sabha,
Addalaichenai

-Public Authority-

Before : -

1. Justice Upaly Abeyrathne (Rtd.) - Chairman
2. Justice Rohini Walgama (Rtd.) - Commissioner
3. Kishali Pinto-Jayawardena (Attorney-at-Law) - Commissioner
4. Mr. Jagath Liyana Arachchi (Attorney-at-Law) - Commissioner
5. Mr. Mohamed Nahiya - Commissioner

Appearance : - The Appellant is present.

The Public Authority represented by Mr. M.I.M Faiz,
Secretary – via Zoom Technology.

Written Submission :

The Appellant on : Not submitted

The Public Authority on : 18.02.2022

Date of Hearing : - 23.02.2022, 22.08.2022 & 05.10.2022

Decided on : - 05.10.2022

Decision

The Appellant by request dated 22.05.2020 requested the following information;

1. *How many times has he made field visits to inspect in his area during his service period till May, 2020 in which days?*
2. *In the coastal area (sea shore) of Pradeshiya Sabha, Addalaichenai:*
 - a. *Is there any illegal Fishing Hut?*
 - b. *If yes, how many?*
 - c. *What are the legal action has been taken for those illegal huts?*
 - d. *Is there any registered fishing huts?*
 - e. *If yes, how many?*
 - f. *Under which basis and which Act has it registered?*
3. *Has legally registered fishing hut to be renewed yearly?*
4. *My license of fishing hut has been renewed every year from 2015 – 2019 but in 2020 my license was rejected by the Secretary Mr M.I.M Fais saying that this area is under the Department of Coast Conservation Resource Management.*
 - a. *So, is this area not under Department of Coast Conservation Resource Management during the year 2015 – 2019?*
 - b. *Is license which was issued for me by the Pradeshiya Sabha during the year 2015 to 2019 illegal?*

The Information Officer responded on 01.06.2020 stating that

“Reply for the 1st question:

Field visit will be undertaken as and when necessity arises. I made a field visit to verify whether your application fall within the said condition.

Reply for the 2nd question:

You may please contact the fisheries Department for the question. Please note that you may contact the Department of Fisheries for the question.

Reply for the 3rd question:

Usually no permit is issued by the Pradeshiya Sabha in respect of installing fishing huts, for trading purpose only license is issued.

Reply for the 4th question:

A. Only the coastal Conservation Department could reply to this question

- B. From January 1st to 31st December trade license will be issued by the Pradeshiya Sabha. Please note that the license issued you will expire 1.12.2019. If you **won't to contact** this business you should obtain license for the year commenced in this proper manner.”

Dissatisfied with the response of the Information Officer, the Appellant lodged an appeal with the DO on 05.09.2020. The Designated responded on 07.10.2020 stating that,

“The response which has been given by the letter No.AD/PS/SEC.RTI/2020/40 dated 01.06.2020 is the perfect answers for you questions”

Dissatisfied with the response of the Designated Officer, the Appellant preferred an appeal to the Commission on 24.10.2020.

In response to the notice issued by the Commission, the Public Authority filed its written submission dated 18.02.2022 stating that;

- The Appellant was already responded to his request for the information.
- The Appellant has constructed a building in a land belongs to the Department of Coast Conservation & Coastal Resources Management, named it “Mansoor Fishing Hut” and seek permit.
- Accordingly, the Pradeshiya Sabha sent a letter to obtain recommendation from the said Department (attachment No 1). However it was rejected (attachment No 2) and same was informed to the Appellant.
- Explanation for the questions asked by the Appellant, Mr. M.A Mansoor, under RTI;

01. Field visit will be undertaken as and when necessity arises. Further, it is not maintained a separate registry for field visits.

02. Business Permit is issued for carrying out a business in a specific place in respective year. Fishing Hut means it is the place of keeping fishing net and other tools safely, therefore, the permission for a fishing hut must be obtained from Department of Fisheries, not from the Pradeshiya Sabha.

03. Explanation given in above (2nd) is relevant.

04. A) The Coastal Conservation Department built its boundary in 2019 in respective area. Therefore, without the permission of CCD, the Pradeshiya Sabha cannot provide permits.

B) It was mistakenly given since the boundaries were not identified properly.

Further, the Public Authority has sent a letter dated 22.08.2022 stating follow;

4.(a) For this questions, asking to obtain from the Coast Conservation Department

(b) Legal. However, it is illegal that providing business permits without the permission of the specific Department after identifying that the land is belongs to the said Department.

Consideration:

The information requested by the Appellant complaints that the Public Authority did not respond satisfactorily. We carefully considered the said response of the Public Authority. We note that the Public Authority has not answered to the several questions posed by the Appellant. Therefore, we direct the Public Authority to respond to the said information request against the several questions posed by the Appellant separately before 29.10.2022, with copies to the Commission.

The Commission further decides that, if the Public Authority fails to comply with the said decision of the Commission before the said date, the Information Officer and the Public Authority shall be prosecuted before the relevant Magistrate's Court under Section 39 of the Right to Information Act No.12 of 2016.

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

Appeal concluded.