

The Right to Information Commission

K. Prasanna Kumar,
No. 185,
Grandpas Road,
Colombo-04

-Appellant-

RTIC App/No : - 868/2022

Vs.

Ministry of Automotive Industry,
3rd Floor,
Stage II, Sethsiripaya,
Battaramulla.

-Public Authority-

Now between

K. Prasanna Kumar,
No. 185,
Grandpas Road,
Colombo-04

-Appellant-

Ministry of Transport and Highways
7th Floor,
Sethsiripaya Stage II
Battaramulla

-Public Authority-

Before : -

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

Appearance : The Appellant is absent.
The Public Authority is absent.

Written Submission : The Appellant on : - Not submitted
The Public Authority on : - Not submitted

Date of Hearing : 24.11.2022

Decided on : 24.11.2022

Decision:

Factual Background:

The Appellant by the request dated 08.02.2022, requested the below information;

1. *1. Number of busses belongs to C.T.B in services in the Country?*
2. *Number of busses removed from the services*
3. *Number of C.T.B busses imported newly.*
4. *Number of drivers and conductors working in C.T.B busses in the country*
5. *Number of employees serving in C.T.B in the country*
6. *Yearly Fund allocation for the payment of labourers*
7. *Annual Income of Ceylon Transport Board*
8. *Annual expenditure of the Ceylon Transport Board*
9. *Annual fund allocation for the Ceylon Transport Board.*

Information requested period – 2015-2021

As the Information Officer failed to respond within the time period stipulated in the Act, the Appellant made an appeal to the Designated Officer dated 04.05.2022. As the Designated Officer too failed to respond within the time period stipulated in the Act, the Appellant preferred an Appeal to the Commission dated 06.06.2022.

In response to the notice issued by the Commission, the Public Authority has sent a letter dated 17.11.2022 stating follow;

- Initially the request for information was submitted to the Cabinet Ministry of Transport and Highways. Since the requested information is related to the Ceylon Transport Board, and it was relevant to State Ministry of Vehicle Regulation, Bus Transport Services and Train Compartments and Motor Car Industry, the Appellant was requested to send his request to the relevant State Ministry.
- However, it is noted that the Appellant has not been responded.
- According to the Special Gazette no. 2301/59 dated 2022.10.14, now the CTB has been comes under Cabinet Ministry again. Therefore, we referred the information request to the Ceylon Transport Board as there are possibilities to provide the requested information. Accordingly once we receive the information, those can be provided to the Appellant.

Consideration:

The Appellant admitted the receipt of information in relation to item nos. 01, 02, 03, 04, 05, 07 and 08. In relation to item nos. 06 and 09, the Public Authority has informed the Commission by their letter dated 17.11.2022, they have requested the information related to item nos. 06 and 09 from the Sri Lanka Transport Board and they are prepared to release the said information upon the receipt of the said information from Sri Lanka Transport Board.

Considering the contents of the said letter dated 17.11.2022 we decide that the present Public Authority namely the Ministry of Transport and Highways should release the information in

relation to item nos. 06 and 09 of the said information request before 30.12.2022, 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.

For the completeness of this decision, we place on record that, in terms of rule no. 11 of Right to Information Commission Rules of 2017, the Public Authority is not entitled to charge any fee from a citizen for the release of the information upon a decision made by this Commission.

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

Appeal Concluded.