

# The Right to Information Commission

S. Sivakumaran,  
Virakesari Regional Office,  
Hatton

**-Appellant-**

**RTIC App/No: 870/2022**

Vs.

Zonal Education Office,  
Hatton

**-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 participated via T.P No. 077 3124299  
The Public Authority is absent.

**Written Submission** : Appellant - Not submitted  
Public Authority - Not submitted

**Date of Hearing** : 13.10.2022 & 08.12.2022

**Decided on** : 08.12.2022

## Decision of the Commission

### **Factual Background:**

The Appellant by request dated 09.10.2021 requested the following information;

1. How many Principals retired from the service between 2018- 2021 September, in Hatton Zonal education? (Data required on a school-by-school basis)
2. How many of them are in obtaining pension by completing all the requirements regarding the pension?
3. How many of Principals are in a situation that cannot obtain the pension after the end of the pension period?
4. What are the reasons for that?
5. How many teachers retired from the service between 2018- 2021 September, in Hatton Zonal education? (Data required on a school-by-school basis)
6. How many of them are in obtaining pension by completing all the requirements regarding the pension?
7. How many of teachers are in a situation that cannot obtain the pension after the end of the pension period?

As the Information Officer failed to respond within the time period stipulated in the Act, the Appellant appealed to the Designated Officer dated 18.02.2022. As the Designated Officer too

failed to respond within the time period stipulated in the Act, the Appellant appealed to the Commission dated 06.06.2022.

### **Consideration:**

We observed that the Information Officer of the Public Authority has not responded to the said information request in terms of Section 25 of the Right to Information Act No. 12 of 2016.

Also, the Designated Officer of the said Public Authority has not responded to the appeal preferred by the said Appellant in terms of Section 31 of the said Act.

Said conduct of the Information Officer and the Designated Officer of the Public Authority is in violation of the said provisions contained in the said Act. It must be noted that the law does not condone such violations of citizen's Right to Information. Hence, they must be aware of the fact that such conduct of the Information Officer and the Designated Officer of the Public Authority give rise to initiate legal proceedings against the Public Authority and the Information Officer in terms of Section 38 of the said Act.

Therefore, we emphasize that the Information Officer and the Designated Officer of the Public Authority should adhere to the said provision contained in the said Act No. 12 of 2016.

We carefully considered the said information request. We are of the view that the Public Authority is in a position to release the said information to the Appellant. Accordingly, we decide that the Public Authority should release the said information to the Appellant before 28.12.2022, 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 decision to the Appellant, the Information Officer and the Public Authority.

Appeal concluded.