

The Right to Information Commission

S. Sivakumaran,
Virakesari Regional Office,
Hatton

-Appellant-

RTIC App/No: 871/2022

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 01.12.2021 requested the following information;

1. How many NGOs and Groups had provided funds and things to the Zonal Education Office in the past five years for studies and development purposes for the Schools of Hatton Zonal Education? What are the details of individuals?
2. What are the directly obtained funds and things to the Zonal Education Office? (Organizations and given aids individually)
3. How many schools were conducted development works by such Organizations? (Name of the Schools are needed)
4. What are the details of funds given by the above Organizations to build buildings and lavatories?
5. Has approval from the Provincial Department of Education been obtained for the Fund activities?

6. Has account details of them been documented in the Zonal education Office?
7. Which were received as gifts and things? To which Schools, the things were distributed?
8. Are the Inventory Details for them available in the Zonal Education Office or in the distributed Schools, as documents?

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.