

# The Right to Information Commission

A. Sakeela Banu,  
District Agriculture Unit,  
Kachcheri,  
Mannar

**-Appellant-**

**RTIC App/No : 938/2022**

Vs.

Department of Agriculture,  
Northern Province,  
68 Crossette Road,  
Chundukuli,  
Jaffna

**-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 Zoom Technology.**

The Public Authority represented by Ms. Siwasundari Ravindran,  
Administrative Officer (Information Officer) – via Zoom  
Technology.

**Written Submission :**

The Appellant on : Not submitted

The Public Authority on : Not submitted

**Date of Hearing : 23.11.2022**

**Decided on : 23.11.2022**

## **Decision:**

### **Factual Background:**

The Appellant by the request dated 04.05.2022, requested the below information;

*i). Certified copy of the letter dated 21.01.2021 sent by the Provincial Director of Agriculture to the Honourable Governor, captioned as “Contradictory acts to the Finance and Administrative of Mrs. Asram Sakeela Banu who works as Provincial Deputy Director of Agriculture, Vavuniya District, and obstacles in Agricultural Development”.*

*(ii) Certified copy of the letter no. NP/DN/EB/A/02/85 dated 06.03.2020 written by Provincial Director of Agriculture (N.P), captioned as “Appeal on Suspension – Mr. N. Niranjan, Agriculture Lecturer Grade I”.*

The Information Officer responded dated 30.05.2022 refusing to provide the information under Section 5 (g) of the Act. Dissatisfied with the response of the Information Officer, the Appellant lodged an appeal with the Designated Officer dated 06.06.2022.

The Designated Officer responded dated 23.06.2022 refusing to provide the information under Section 5 (g) of the Act. Dissatisfied with the response of the Designated Officer, the Appellant preferred an Appeal to the Commission dated 20.07.2022.

In response to the notice issued by the Commission the Public Authority has sent a letter dated 11.11.2022 reiterating their above position and stated further that a preliminary inquiry was conducted and sent it to Public Service Commission for formal inquiry. Under this circumstance giving this letter to the concerned officer may affect the formal inquiry.

### **Consideration:**

It appears from the response of the Information Officer and the Designated Officer of the Public Authority that the release of the requested information has been deny under Section 5 (1) (g) of the Act.

Thereafter, Mrs. A. Srirangan, Provincial Director of Agriculture (Covering, Northern Province), by her letter dated 11.11.2022 has informed the Director General of this Commission that “a preliminary inquiry was conducted and sent it to Public Service Commission for formal inquiry and therefore giving this letter to the Appellant may affect the formal inquiry”. However, Ms. Siwasundari Ravindran, Administrative Officer (Information Officer) submitted at the inquiry that the Public Authority does not possess any written proof to establish that an inquiry has been held or to be held in due course against the Appellant. In the said premise, we are unable to accept the truthfulness of either the submission made at the inquiry or the contents of the letter dated 11.11.2022.

Therefore, we are of the view that there are no any legal incumbencies in releasing the said information requested by the Appellant. Hence, we decide that the Public Authority should release the said information to the Appellant before 25.12.2022, 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.