

H. M. Gratien Hewa Vs. Sri Lanka Police

RTIC Appeal (in person)/59 /2018 - *Order under Section 32 (1) of the Right to Information Act, No 12 of 2016 and Record of Proceedings under Rule 28 of the Right to Information Rules of 2017 (Fees and Appeal Procedure)* – heard as part of a formal meeting of the Commission on 30.08.2018

Chairperson: Mr. Mahinda Gammampila

Commission Members: Mr. S.G. Punchihewa
Dr. Selvy Thiruchandran
Justice Rohini Walgama

Director-General Mr. Piyathissa Ranasinghe

Appellant: Mr. H. M. Gratien Hewa

Notice Issued to: Inspector General of Police, Sri Lanka Police

Appearance/Represented by:

Appellant Absent

PA Mr. M. D. N. Rasika Lal, PC 3086 – Police Head Quarters

RTI Request filed on	10.05.2017 & 27.07.2017
IO responded on	No response
First Appeal to DO filed on	14.09.2017
DO responded on	No response
Appeal to RTIC filed on	21.11.2017

Brief Factual Background:

The Appellant had by request dated 10.05.2017 & 27.07.2017 requested the following information pertaining to promotions of ASPP in the years 1999, 2002 and 2003:

1. The seniority list of senior gazette police officers (ASPs) maintained at the Police in the years 1999, 2002 and 2003.
2. Names of Assistant Superintendents of Police (ASPs) who were promoted to the rank of Superintendent of Police Grade II in the years 1999, 2002 and 2003.
3. The names of ASPs who were promoted to the rank of Superintendent of Police on their individual appeals in addition to the officers promoted by the NPC (ref. NPC letter bearing No. NPC/DCL/AAT/37/2007 dated 16.03.2009) in terms of Supreme Court case SCFR 494/2002 and
 - a Names of such Appellant's with dates of their Appeals
 - b Dates of their promotions approved
 - c Names of the men promoted by the Ministry of Defence
 - d Names of the men promoted by the Ministry of Defence
4. A copy of the AG's letter bearing No. E/155/2010 send to the n IG of Police in reply to IG's letter sent to the AG seeking his advice regarding promotion of some Appellants who had requested promotions quoting SC FR 494/2002 and others and NPC letter bearing No. NPC/DCL/AAT/37/2007 (only a copy of the response to the IGP by the AG with advice)

As the IO failed to respond within the time period stipulated under the Act the Appellant on 14.09.2017 lodged and appeal with the DO. As the DO too failed to respond with the time period stipulated under the Act the Appellant preferred an appeal to the Commission on 21.11.2017.

The appeal was partially heard on 28.06.2018 and adjourned for the next hearing on 30.08.2018.

Matters Arising During the Hearing:

The appellant was absent at the appeal hearing held on 30.08.2018. The PA submitted before the Commission that the Appellant was informed to come to the Police Head Quarters to get the requested information, as it is in the possession of the PA as per the section 3(1) of the Right to Information Act No.12 of 2016 and does not fall under any exemption to a citizen's right to access information that is in the possession, custody or control provided in section 5 of the Act. However, it appears that the Appellant has not gone to the Police Head Quarters as requested and even did not appear for the hearings of the Commission on the 30.08.2018.

Order:

The PA was willing to provide the information. The Commission directs the Appellant to present himself at the Police Head Quarters and obtain the information he has requested.

Order is directed to be conveyed to both parties in terms of Rule 27 (3) of the Commission's Rules on Fees and Appeal Procedures (Gazette No. 2004/66, 03.02.2017).

The Appeal is concluded.
