

Zacky Ismail v. Wakf Board of Sri Lanka

RTIC Appeal(In-Person) /90/2018 - 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 31.07.2018

Chairperson: Mahinda Gammampila
Commission Members: Kishali Pinto-Jayawardena
S.G. Punchihewa
Dr Selvy Thiruchandran
Justice Rohini Walgama

Present: Director-General Piyathissa Ranasinghe

Appellant: Mr. Zacky Ismail
Notice Issued to: Designated Officer, Wakf Board of Sri Lanka

Appearance/ Represented by:

Appellant - Absent
Public Authority - H R M Malik, Director/ MRCA, Wakf Board of Sri Lanka
K R Mohammed, Secretary, Wakf Board of Sri Lanka
H M M S Herath, CMA

RTI Request filed on	25.09.2017
IO responded on	No response
First Appeal to DO filed on	16.10.2017
DO responded on	No response
Appeal to RTIC filed on	26.11.2017

Brief Background Facts

The Appellant had requested posed the following questions, by information request dated 25.09.2017

1. Who is the OSUL administrator of the Wakf properties in Sri Lanka?
2. Can the Wakf property (immovable) be sold or alienated? If yes, under which provisions and grounds?
3. Can Special Trustees to the Mosque sell or transfer or alienate the Wakf property?
4. Did the Chairman or the Board approve any Wakf property which belongs to the Nintavur Grand Jummah Mosque to be transferred to any individual?
5. Did the Chairman or the Board approve any Wakf property which belongs to the Nintavur Grand Jummah Mosque to be transferred to any private organization?
6. Was the Chairman or the Board informed of the transaction held in respect of the Wakf property (land) that belongs to the Nintavur Grand Jummah Mosque?
7. If yes, what is the nature of such transaction? (please provide valid transaction document and registration number)

As the Appellant received no response from the IO he appealed to the DO on 16.10.2017. The DO too failed to respond. Citing the PA's failure to provide a response, the Appellant preferred an appeal to the Commission on 26.11.2017

Matters Arising During the Hearing

The Appellant had informed the Commission of his inability to attend the Hearing.

The PA submitted that the 23rd Wakf Board of Sri Lanka had terminated its period on 23.02.2018 and the 24th Board commenced its period on 15.05.2018. The PA further submitted that sufficient information with regard to items 1 to 6 of the requested information had been provided to the Appellant on 13.07.2018.

Order

The PA is directed to provide registration numbers and nature of the documents requested under item 7 of the Information request, as agreed.

The Appeal is adjourned.

Next date: 11.09.2018 (to ascertain the status of the matter)
