

Nasif Akram v Sri Lanka Parliament

RTIC Appeal (In-Person Hearing)/[1184]/[2019]- Order adopted as part of the formal meeting of the Commission on 25/06/2019.

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).

Chairperson: Mr. Mahinda Gammampila
Commission Member: Ms. Kishali Pinto-Jayawardena
Commission Member: Mr. S.G. Punchihewa
Commission Member: Dr. Selvy Thiruchandran

Appellant: Nasif Akram
Notice issued to: Designation Officer, Sri Lanka Parliament

Appearance/ Represented by:

Appellant – Not present

PA – P.L.C.D.S.W. Wijegunawardhana, Deputy Principal Officer, W. P. L. (illegible),
Principal Officer

RTI Request filed on	16/10/2018
IO responded on	16/11/2018
First Appeal to DO filed on	27/11/2018
DO responded on	13/12/2018
Appeal to RTIC filed on	31/12/2018

Brief Factual Background:

The Appellant by information request dated 16/10/2018 requested the following information.

- *All details of the first day expenses of the 8th Parliament.*
- *Attendance record of the Members who participated in the Parliament sittings from January to September 2018.*

The IO on 16/11/2018 responded as follows.

Regarding item no. 1- The cost incurred for a specific date in the Parliament cannot be calculated according to the nature of expenses. However, the cost of an average meeting day of Parliament can be given as follows.

Year	Total Expenditure	No. of Sitting Days	Expenditure for a Sitting Day (Rs.)
2017	2,443,534,315.00	95	25,721,413.84

With regard to item no. 2- Attendance of MMP in Parliament & Committees of Parliament has been uploaded to the Parliament website. (www.parliament.lk)

Dissatisfied with the response of the IO the Appellant lodged an appeal with the DO on 27/11/2018. The DO responded on 13/12/2018 upholding the response of the IO. Dissatisfied with the response of the DO the Appellant preferred an appeal to the Commission on 31/12/2018.

Matters Arising During the Course of the Hearing:

The Appellant was absent. The PA stated that expenses for parliament for a particular day cannot be calculated. Therefore only a monthly or annual expense can be calculated. The information which is in the “possession, custody or control” of the PA relevant to the said information request has already been handed over to the Appellant. Any further information is not within its “possession, custody or control.”

Order:

The response of the PA is accepted as the PA is not required to collate any additional information, but only provide information which is within its possession, custody or control.

The information which is in the “possession, custody or control” of the PA relevant to the said information request has already been handed over to the Appellant. Consequently this Appeal is concluded. Since the Appellant is not present at the hearing, the Appellant may within one month of receipt of the order, request the Commission to have this matter called again for purposes of clarification of any matters arising thereto.

Order is 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.
