

**R. S. Wijesiri v. Chief Ministry and Education Ministry Central Province**

RTICAppeal(In-Person)/174/2018 - 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 22.05.2018

**Chairperson:** Mr. Mahinda Gammampila  
**Commission Members:** Ms. Kishali Pinto-Jayawardena  
Mr. S.G. Punchihewa  
Dr. Selvy Thiruchandran  
Justice Rohini Walgama  
**Present:** Director-General Mr. Piyathissa Ranasinghe

**Appellant:** Mr. R. S. Wijesiri  
**Notice Issued to:** Secretary, Chief Ministry and Education Ministry Central Province  
(Designated Officer)

**Appearance/ Represented by:**

Appellant - Mr. R. S. Wijesiri  
Public Authority - Mr. T.M. InodaniThambawita, Assistant Secretary, Chief Ministry.

<b>RTI Request filed on</b>	31.10.2017
<b>IO responded on</b>	06.11.2017 (Acknowledgement)
<b>First Appeal to DO filed on</b>	26.12.2017
<b>DO responded on</b>	N/A
<b>Appeal to RTIC filed on</b>	18.01.2018

**Brief Background Facts**

The Appellant had requested the following information, by an information request dated 31.10.2017:

*Details of events occurring at St. Anthony's College Katugastota between 1977 and 2017:*

1. *How did the School which was a private school in 1977 become a government school? (under what Circular, Gazette or Act and a certified copy of any document or statement to that effect)*

2. *A certified copy of the agreement/contract entered into between the parties or the details contained therein*
3. *The extent of land (the school was situated on) handed over to the Government*
4. *Copy of the plan including the school premises*
5. *Is there a specific method in appointing a school principal? If yes what is the procedure and the dates on which recommendations or approval to that effect were given*
6. *Is it possible to appoint a person who is not qualified to hold the post of principal in this school or similarly circumstanced schools? If yes on what basis?*
7. *In addition to the powers that the principal or the principals of similarly circumstanced schools have, does the principal of this school have any additional powers? If yes what are those powers.*
8. *After being made a government school is it possible to build statues using school patronage in a manner which only propagates Catholicism?*
9. *Is it possible to establish other committees in addition to the School Development Society for the development of the School?*
10. *If so can external persons who have no connection to the school hold membership or lead such societies/ committees*
11. *If yes does such a committee/ its head have the power and ability to use and control the School funds?*
12. *Can land owned by the state be taken or given to external organizations or institutes controlled by external parties for projects conducted by the said organizations or institutes in the name of the school, which the school has no ownership over?*
13. *Does it/they have the power/ability to use school funds or to collect funds from students and parents for projects conducted in the name of the school but over which the school has no claim?*
14. *Can large scale buildings which cannot be afforded by the school be built? If yes does it have the power to collect school funds or funds from students and parents for such purposes?*
15. *Before the school became a government school can the buildings which were constructed with the patronage and donations of parents/ old boys and well wishers and used and enjoyed by students for 15-40 years when required to be handed over to the government not be handed over/ lost to the school?*
16. *If not what are the steps to be taken to regain ownership/custody of the said buildings?*

The Information Officer (IO) had acknowledged the receipt of the information request by letter dated 31.10.2017. Upon receiving no decision from the IO, the Appellant had appealed to the Designated Officer (DO) on 26.12.2017. Upon receiving no response from the DO, the Appellant made an appeal to the Commission by letter dated 18.01.2018.

### **Matters Arising During the Hearing**

The PA by letter dated 14.05.2018 had submitted to the Commission that since the information requested by the Appellant by information request dated 31.10.2017 was not in its possession, it

had made inquiries from the Zonal Education Office and the Principal of the school concerned in order to locate the relevant information.

The Officer representing the PA confirmed the same at the hearing. She further informed the Commission that, consequent to its inquiries from the Zonal Education Officer and subsequently the Principal of St. Anthony's College Katugastota, the PA was able to trace the relevant documents and presented the same to the perusal of the Commission.

Upon perusal of the documents brought by the PA, the Commission decided that the relevant documents contained adequate information to provide a comprehensive answer to the 16 questions posed by the Appellant from the PA by his information request dated 31.10.2017.

### **Order**

The PA is directed to submit a revised document specifically answering the 16 questions posed by the Appellant in his information request dated 31.10.2017 and expunging the information that is not requested by the Appellant in his information request from the original documents that the PA had brought before the Commission at this hearing.

Next Date of Hearing: 05.07.2018

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RTICAppeal(In-Person)/174/2018 - *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 05.07.2018

**Chairperson:** Mahinda Gammampila  
**Commission Members:** S.G. Punchihewa  
Dr. Selvy Thiruchandran  
Justice Rohini Walgama

**Director-General:** Piyathissa Ranasinghe

**Appellant:** Mr. R. S. Wijesiri  
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**Appearance/ Represented by:**

Appellant - Mr. R. S. Wijesiri  
Public Authority - -

**Matters Arising During the Hearing:**

The Appellant submitted that he had been provided with the information. However the documents had not been certified as requested by the Appellant. The PA by letter dated 25.06.2018 submitted that it does not have any the Original of the document requested in its custody but a photocopy. The PA further states that it inquired from the School as to whether an original was available but the School too had responded in the negative.

**Order:**

The PA is directed to certify the copies to the effect that the documents provided are copies of the documents on file with the PA.

The Appeal is concluded.

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