

At the Right to Information Commission of Sri Lanka

W.D. AJANTHA KUMARA .VS. CHIEF MINISTRY NORTH CENTRAL PROVINCE

RTIC Appeal (in person) 214/2018- 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 23.08.2018

Chairperson: Mr. Mahinda Gammampila
Commission Members: Justice P.R. Walgama
Present: Director- General Mr. Piyatissa Ranasinghe
Appellant: Ajith Kumara
Notice issued to: Chief Secretary, North Central Province
Appearance/Represented by: Ajanthas Kumara
Public Authority: Secretary, Chief Ministry, North Central Province

RTI Request filed on:	04.10.2017
IO responded on:	13.10.2017
First Appeal to DO filed on:	05.12.2017
Do responded on:	no response
Appeal to RTIC filed on:	20.02.2018

Briefly stated facts in appeal

The Appellant by his letter dated 04.10.2017 has requested the following information in relation to the investigation report pursuant to the investigation conducted in

consequent to a complaint made to the Chief Secretary of the North Central Provincial Council on 26.06. 2017, regarding the misconduct of the Zonal Education Director Thambuthegama and the Principal of Kalundagama Bodhiraja Vidyalaya.

The Appellant has itemized 12 documents relevant to the above alleged incident accordingly.

1. Certified copies of the statements made by both accused in the course of the investigation.
2. A true copy of the statement given by one Anura in the investigation to the alleged payment of Rs. 8000/ to the school development Committee in respect of a gate which is a public property.
3. True copies of statements made by the witnesses, as to the alleged incident.
4. A certified copy of the valuation report of a valuer for the above valuation.
5. If the alleged gate was auctioned in a public auction, certified copy of the valuation report.
6. A certified copy of the statement made by the valuer.
7. A certified copy of the statement made by the officer who authorised the said auction.
8. True copies of the statements of the officers and others made in the above inquiry.
9. A true copy of the order made by the person who ordered the payment of Rs. 8000/ to School Development Committee.
10. A certified copy of the recommendation made by the officer who investigated the alleged incident.
11. A true copy of the decision taken by the officer after receiving the report of the said inquiry.
12. A true copy of the written notes which contained the reasons for his determination.

As the IO failed to release the above information the Appellant has appealed to the DO for the issuance of the above information. It is observed from the letter addressed to Commission the PA has decided to release the information sought by the Appellant and has attached exhibit 1 and 2 which contained many of the information requested by the Appellant.

Consequently the matter was fixed for the hearing on 23.08.2018

Matters Arising During the Hearing

It was brought to the attention of the Commission that items of information requested had been released to the Appellant, but request No. 1 and 2,3 relate to a third party and it could be given only after obtaining their consent to release the same. PA agreed to release the other information in the due course, The appeal was re fixed 17.10.2018 to conform by the PA that the release of the information in issue has already been made to the Appellant.

Appeal is adjourned for 17.10.2018.

RTIC Appeal (In Person) 214/2018 (order adopted as part of a formal meeting of the Commission on 17.10.2018)

Order under Section 32 (1) of the Right to Information Act, No.12 of 2016 and Record of Proceeding under Rule 28 of the Right to Information Rules of 2017 (Fees and Appeal Procedure).

Chairperson: Mr. Mahinda Gammampila

Commission Members: Mr. S.G. Punchihewa

Dr. Selvy Thiruchandran

Justice Rohini Walgama

Matters Arising During the hearing

On the above date of the hearing the Appellant was absent, but the Public Authority was represented by the Secretary of the Chief Ministry - North Central Province.

At the inquiry the Public Authority brought to the notice of the Commission that the principal against whom the information was sought has passed away.

Nevertheless the Public Authority submitted that except the request No. 4, other information has already been released to the Appellant, and the above request No. 4 cannot be released as the same relates to third party, and the said parties had declined to consent the release the said information.

In the above setting the Commission concluded the Appeal.

Order is hereby conveyed to both parties in terms of Rule 27 (3) of the Commission's Rules on Fees and Appeal Procedures(Gazette No. 2004/66, 03.02.2018)

Appeal is concluded accordingly.
