

B. M. N. Nageeb v Institute of Indigenous Medicine (University of Colombo)

RTIC Appeal (In-Person) 250/2018 - *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: Mr Mahinda Gammampila

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

Director-General: Mr Piyathissa Ranasinghe

Appellant: Dr B. M. N. Nageeb

Notice Issued to: S R S Udeeni (written illegibly)

Appearance/ Represented by:

Appellant - Dr B. M. N. Nageeb

Public Authority - Senior Assistant Registrar, Institute of Indigenous Medicine,
University of Colombo

RTI Request filed on	First Request – 09.05.2017 Second Request – 12..06.2017
IO responded on	21.06.2017
First Appeal to DO filed on	01.08.2017
DO responded on	No Response
Appeal to RTIC filed on	12.01.2018

Brief Background Facts

The Appellant through letter dated 09.05.2017 requested, pursuant to Section 24(1) of the Right to Information Act, a certified copy of an allegation letter sent against the application of the Appellant for the promotion to the post of Associate Professor/Professor.

Subsequently through a second letter dated 12.06.2018 the Appellant pursuant to the aforementioned Section of the Right to Information Act, further requested the following information:

1. Who is the sender of the document or letter
2. Who are the signatories
3. What is the primary purpose or expectation of the sender or senders?
4. What is their main allegation against my client?
5. Whom the said letter is addressed to?
6. What is the action taken by you at the administrative level in the university?

The Public Authority acknowledged the receipt of the letter dated 09.05.2017 and through Letter dated 21.06.2017 informed the Appellant that the Public Authority has obtained legal advice from the University of Colombo and was instructed that the implementation of the guidelines for disclosure of information under the Right to Information Act No 12 of 2016 has not been implemented yet, *ipso facto* there is an absence of arrangements made for citizens to access the information at the University of Colombo. Furthermore the PA informed the Appellant that information would be made available once the said guidelines are implemented.

By letter dated 01.08.2017 the Appellant, through his attorney, appealed the decision of the Information Officer to the Designated Office, to which the Appellant did not receive a reply.

Subsequently, the Appellant preferred an Appeal to the Right to Information Commission on 12.01.2018.

Matters Arising During the Hearing

The PA submitted that it had obtained a copy of the said Petition from the University of Colombo and that the PA had decided to release the information. The PA further submitted that the delay in the provision of the information was due to the fact that the Director of the PA had requested the IO to obtain Legal Advice from the Legal Officer of the University of Colombo. On the advice on the Legal Officer, the PA has submitted a Memorandum to the University of Colombo in this regard.

The Appellant submitted that the PA had summoned the Appellant for an inquiry without informing him of the charges leveled against him in violation of his rights.

Order

The Appellant is entitled to the copy given that the inquiry is conducted against him and as such a copy of the petition should be made available to the Appellant. Accordingly the PA provided a copy of the letter which was duly handed over to the Appellant.

The Appeal is hereby concluded.

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).
