

M B M C Gunasekara v. Sri Lanka Police

RTIC Appeal(In-Person) /257/2018 - *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 17.07.2018

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

Appellant: Mr M B M C Gunasekara
Notice Issued to: Designated Officer, Sri Lanka Police

Appearance/ Represented by:

Appellant - Absent
Public Authority - Absent

RTI Request filed on	30.12.2017
IO responded on	09.01.2018
First Appeal to DO filed on	28.01.2018
DO responded on	No Response
Appeal to RTIC filed on	03.03.2018

Brief Background Facts

The Appellant had requested the following items of information, by an information request dated 30.12.2017

1. Annex I - to provide a report including findings and recommendations to the Secretary of Ministry of Southern Development without further delay
2. Annex II – Create an opportunity where police officers could voluntarily serve the country in the divisional level
3. Reason for the I/O's failure to forward this complaint to the National Police Commissioner
4. Progress of the investigation carried out by the I/O
5. In reference to Annex – I, what are the findings and recommendations forwarded to the Secretary of Ministry of Southern Development

The IO responded by letter dated 09.01.2018 providing a response to the matters requested in items 1 and 2 of the request. The IO further stated that an inquiry would be conducted as to the manner in which the IO was addressed in the information request. Dissatisfied with the response, the Appellant appealed to the DO on 28.01.2018. The DO failed to respond to the Appeal.

Dissatisfied with the response of the PA, the Appellant preferred an appeal to the Commission on 03.03.2018.

Matters Arising During the Hearing

Both parties were absent.

As the Appellant had submitted 2 appeals against the same PA, the matter is to be fixed for hearing on 26.08.2018 along with appeals 256/2018 and 267/2018

The Appeal is adjourned.

Next date of hearing: 26.08.2018

RTIC Appeal(In-Person) /257/2018 - *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 26.08.2018

Chairperson: Mahinda Gammampila
Commission Members: S.G. Punchihewa
Dr Selvy Thiruchandran
Justice Rohini Walgama
Present: Director-General Piyathissa Ranasinghe

Appellant: Mr M B M C Gunasekara
Notice Issued to: Designated Officer, Sri Lanka Police

Appearance/ Represented by:
Appellant - Absent
Public Authority - W H Somasiri
Matters Arising During the Hearing:

The Appellant was absent and had made a request that the appeal be re-fixed as he was unable to attend the hearing.

Order:

The PA is directed to respond to the Appellant with a copy to the Commission.

The Appeal is adjourned for 31.10.2018

RTIC Appeal(In-Person) /257/2018 - *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 31.10.2018

Chairperson: Mahinda Gammampila
Commission Members: S.G. Punchihewa
Dr Selvy Thiruchandran

Present: Justice Rohini Walgama
Director-General Piyathissa Ranasinghe

Appellant: Mr M B M C Gunasekara
Notice Issued to: Designated Officer, Sri Lanka Police

Appearance/ Represented by:
Appellant - M B M C Gunasekera
Public Authority - W H Somasiri

Matters Arising During the Hearing:

The PA is directed to respond to the information request as the response provided does not specifically state which exemption under Section 5 (1) is pleaded. Furthermore the representative of the PA is directed to ensure that an officer aware of the facts of the present appeal to be present before the Commission at the next hearing.

RTIC Appeal(In-Person) /257/2018 and RTIC Appeal(In-Person) /267/2018 - *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 18.12.2018

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

Present: Director-General Piyathissa Ranasinghe

Appellant: Mr M B M C Gunasekara
Notice Issued to: Designated Officer, Sri Lanka Police

Appearance/ Represented by:
Appellant - Absent
Public Authority - K A S W Kumarajeewa

Matters Arising During the Hearing:

The Appellant was absent as he had informed the Commission of his difficulty in travelling for the appeal. The Commission on the previous occasion excused the Appellant.

The representative of the PA submitted that the information can be provided in respect of RTICAppeal/267/2018 and RTICAppeal/257/2018.

Order:

The PA is directed to respond to the information requests in RTICAppeal267/2018 and RTICAppeal257/2018 within two weeks of the receipt of the Order.

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.
