

H.B.P. Ranadeera v Parliament of Sri Lanka

RTIC Appeal (In-Person Hearing)/424/2018 - Minute adopted at a part of the formal meeting of the Commission on 02.10.2018 subsequent to a hearing on 28.08.2018

Record of Proceedings under Rule 28 of the Right to Information Rules of 2017 (Fees and Appeal Procedure)

Chairperson: Mahinda Gammampila
Commission Member: Senior Attorney-at-Law Kishali Pinto-Jayawardena
Commission Member: Senior Attorney-at-Law S.G. Punchihewa
Commission Member: Dr. Selvy Thiruchandran
Commission Member: Justice Rohini Walgama

Director-General: Piyathissa Ranasinghe

Appellant: H.B.P. Ranadeera

Notice issued to: Neil Iddawala, Chief of Staff and Deputy Secretary General of Parliament/ Designated Officer Parliament of Sri Lanka

Appearance/ Represented by:
Appellant - Rajeev Amarasuriya Attorney-at-Law
Prabhashanee Jayasekera Attorney-at-Law
PA - Absent

RTI Request filed on	05.03.2018
IO responded on	21.03.2018
First Appeal to DO filed on	03.04.2018
DO responded on	18.04.2018
Appeal to RTIC filed on	11.06.2018

Brief Factual Background:

The Appellant had on 05.03.2018 lodged the following information request subsequent to the response of the DO which lead to RTIC Appeal 337/2018. The relevant sections of the request are quoted below;

'The DO of the PA by his decision of 02.02.2018 has informed the Appellant that information pertaining to "the total sums allegedly outstanding from the Appellant to the Parliamentary Staff Thrift Society, as recorded in the books and records of the

Parliament of Sri Lanka as at 1st January 2013 and 1st January 2014” does not fall within the purview of Parliament and on that basis refused the request for information.

1.1 Under the aforesaid circumstances the Appellant requests all available information pertaining to the legal basis on which sums of money have been deducted from my salary from on or about 2013, under on the head of “thrift”

1.2 What has been the process of ascertainment of the quantum of deduction under the head of “thrift” made for each month from on or about 2013?

1.3 Whether the books and records of the Parliament of Sri Lanka contain information of the sums which the Parliamentary Staff Thrift Society contends as being due from the Appellant, as at 1st January 2013 and 1st January 2014?

1.4 If the answer to 1.3 is in the affirmative, please provide the said sums.

2. The DO of the PA by his decision of 02.02.2018 has informed the Appellant that information pertaining to “Copies of the documentary proof relied upon by the Parliamentary Staff Thrift Society in arriving at the sums given in response to (1) above” does not come within the purview of Parliament, and on that basis refused the request for information.

2.1 In the said circumstances, whether the Parliament of Sri Lanka conducted an objective and independent verification of the sums which the Parliamentary Staff Thrift Society contends as being due from me, as at 1st January 2013 and 1st January 2014 or any such period.

2.2 the answer to 2.1 is in the affirmative, please provide copies of the said independent (or otherwise) Reports / Recommendations. And / or

2.3 If the answer to 2.1 is in the affirmative, please provide copies of the said independent (or otherwise) Reports / Recommendations which pertain to me.

3.) The Designated Officer by his decision of 02.02.2018, has informed to me that the information pertaining to “Copies of the documentary proof relied upon by the Sri Lanka Parliament, in arriving at the sums given in response to (1) above?” does not come within the purview of Parliament, and on that basis refused the request for information.

3.1 In the said circumstances, please confirm to me that the Parliament of Sri Lanka, did not have any documentary basis when making deductions from my salary on the head of “Thrift”

3.2 If the answer to 3.1 is in the negative, i.e. that the Parliament of Sri Lanka, did have documentary basis when making deductions from my salary on the head of “Thrift”, then please provide to me the said documentary basis.

4) The Designated Officer by his decision of 02.02.2018, has informed to me that the information pertaining to “Copies of the Audited Accounts of the Parliamentary Staff Thrift Society in respect of the years 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016” does not come within the purview of Parliament, and on that basis refused the request for information.

4.1 In the said circumstances, please confirm to me that the Parliament of Sri Lanka does not have in its possession copies of the Audited Accounts of the Parliamentary ‘Staff Thrift Society in respect of the years 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016.

4.2 If the answer to 4.1 is in the negative, i.e. the Parliament of Sri Lanka does have in its possession copies of the Audited Accounts of the Parliamentary Staff Thrift Society in respect of the years 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016 then provide to me copies of the said audited accounts.

5) The Designate Officer by his decision of 02.02.2018 has informed to me that the information pertaining to “Bank confirmation of all cheque payments issued to me by the “Parliament Staff Thrift Society” does not come within the purview of Parliament, and on that basis refused the request for information

5.1 In the said circumstances. Please confirm to me that the Parliament of Sri Lanka does not have in its possession copies of the Bank confirmation of all cheque payments issued to me by the Parliament Staff Thrift Society.

5.2 If the answer to 5.1 is in the negative i.e. the Parliament of Sri Lanka does have in its possession copies of the Bank confirmation of all cheque payments issued to me by the Parliament Staff Thrift Society, then please provide me copies of the said Audited Accounts.

6) The Designated Officer by his decision of 02.02.2018, provided me a table setting out the deductions that had been made from my salary under the heads of “Thrift” and “thrift Loan”, .in response to the request for the basis of computation for the monthly deductions made from my salary under the classification of “Thrift” since January 2013 to up to date and the relevant computation for each month. .

6.1 In the said circumstances, please confirm to me that the Parliament of Sri Lanka does not have a basis of computation for the monthly deductions made from my salary under the classification of “Thrift” since January 2013 to date

6.2 If the answer to 6.1 is in the negative, i.e. the Parliament of Sri Lanka does have a basis of computation for the monthly deductions made from my salary under the classification of “Thrift” since January 2013 to up to date, then please provide me with the basis of computation for the deductions made from my salary under the classification of “Thrift” since January 2013 up to date and the relevant computation for each month.

The IO on 21.03.2018 responded stating that *'the decision of the DO dated 02.02.2018 has been challenged in the above request. Therefore in terms of the provisions of the Act your request for information could not be entertained. If you need more information relating to the same matter you may forward a clear and unambiguous request without referring to the decision of the DO.'*

Dissatisfied with the response the Appellant lodged an appeal with the DO on 03.04.2018. The DO responding on 18.04.2018 upheld the decision of the IO. Dissatisfied with the response of the DO the Appellant lodged an appeal with the Commission on 11.06.2018.

Matters Arising During the Course of the Hearing:

The matter is re-fixed for hearing along with RTIC Appeal 337/2018 on 09.10.2018.