

K. Parthiban v Divisional Secretariat, Vavuniya

RTIC Appeal (Documentary Proceeding)/[914]/[2019]- Order adopted as part of the formal meeting of the Commission on 23/07/2019.

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)

Chairperson: Mr. Mahinda Gammampila

Commission Member: Ms. Kishali Pinto-Jayawardena

Commission Member: Mr. S.G. Punchihewa

Commission Member: Dr. Selvy Thiruchandran

Commission Member: Justice Rohini Walgama

Appellant: K. Parthiban

Notice issued to: Designated Officer, Divisional Secretary, Vavuniya

RTI Request filed on	18/07/2018
IO responded on	13/07/2018
First Appeal to DO filed on	20/08/2018
DO responded on	07/09/2018 04/10/2018
Appeal to RTIC filed on	25/10/2018

Brief Factual Background:

The Appellant by information request dated 18/07/2018 requested the following information.

- Certified details of MCC, R-Grant given in GS Divisions of *Nochchimottai, Pandrikeytha Kulam* and *Arumukaththan Puthukkulam*. (Respective Plan, Lot No, Permit No, Grant No, Extent , Name)

- Certified copies of yearly land permits given in the GS Divisions of *Nochchimottai*, *Pandrikeytha Kulam* and *Arumukaththan Puthukkulam*. (Respective B.O.D Plan, Lot No, Permit No, Extent, Name)
- Details of the lands leased out in the GS Divisions of *Nochchimottai*, *Pandrikeytha Kulam* and *Arumukaththan Puthukkulam* (Respective Plan, Lease No, Extent, Name)

The IO on 23/08/2018 responded stating as follows.

Regarding Item 1, the certified copies of details of the land, the land map and the distributed MCC, R-Grant can be obtained from the Survey Department of Sri Lanka.

Regarding the Grant No. and Permit No., the information was denied under Sections 5(1)(a) and (g) of the RTI Act, since the public interest does not justify the invasion of privacy of the individual and information is required to be kept confidential by reason of the existence of a fiduciary relationship. No land was distributed under the Middleclass Plan/Scheme of the *Arumukaththan Puthukkulam* GS Division. In the *Nochchimottai* GS Division, 14 people have been given land, and in the *Pandrikeytha Kulam* GS Division, 5 people were given land under the Middle Class Plan. However the relevant persons have in writing objected to their names and details of the land being disclosed. Further considering the complaints made directly and *via* telephone regarding how land owners have transferred land ownership using false certificates, this information cannot be disclosed.

Regarding Items 2 and 3 of the information request, it was stated that yearly permits nor lease agreements were given.

Dissatisfied with the response of the IO the Appellant lodged an appeal with the DO on 20/08/2018. The DO responded on 07/09/2018 having considered information requests DS/V/RTI/APPEAL/18 and 20, and inviting the Appellant on 12/09/2018 for a discussion at the office of the PA at 10am. A letter was also sent on 04/10/2018 by the DO requesting that the Appellant participate in a discussion on 10/10/2018 at 10am in their office. Dissatisfied with the response of the DO the Appellant preferred an appeal to the Commission on 07/11/2018.

Matters Arising During the Course of the Hearing:

The PA in its written submissions dated 09/07/2019, submitted that the information requested was submitted to the Appellant. However the Appellant had nevertheless submitted an appeal to the DO. The PA had further invited the Appellant to the Office for a discussion for purposes of clarity, however since he failed to attend, the PA was unable to take further action.

Order:

The decision of the PA is affirmed.

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.
