

**M.K. GUNAWATHI .VS. NATIONAL GEM AND JEWELLERY AUTHORITY**

RTIC Appeal (by Documentary Proceedings) 559/2018- Order adopted on 21.01.2019 subsequent to the consideration of the formal meeting of the Commission on the above date.

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).

Commission Members:

Mr. S.G. Punchihewa

Dr. Selvy Thirucharndran

Justice Rohini Walgama

Present:

Director- General- Piyatissa Ranasinghe

Appellant:

M.K. Gunawathi

Notice issued to:

Chairman- National Gem and Jewellery Authority

RTI Request filed on	15.02.2018
IO responded on	02.05.2018
First appeal to DO filed on	16.05.2018
DO Responded on	undated response
Appeal to RTIC filed on	10.08.2018

#### Brief factual Background:

The Appellant by her letter dated 15.02.2018 had requested the Information Officer of the Public Authority for the following information inter alia:

A copy of the pedigree prepared for the purpose of demonstrating the Appellant's right to the land named "Halgahakumbura" in Gonapitiya, letter No. NGJA/17-2-1/03/90248 dated 05.02.2018. The above letter refers to the pedigree disclosed by one M.A. Ratnawaedena showing his ownership in order to obtain a mining licence.

Subsequent to the receipt of the information request, the Information officer of the Public Authority has inquired from M.A. Ratnawardena for his consent to release the documents tendered by him to established his rights to the land in issue for the purpose of mining.

#### **Matters arising at the hearing**

It is salient to note that the IO has refused to release the requested information on the basis of the said information relates to a third party, and same is been protected in terms of Section 5(j) of the Right to Information Act. The said decision of IO was affirmed by the DO of the Public Authority. Hence the Appellant appealed to the Commission to impugned the said decision.

#### **Order**

The Commission after perusing the documents tendered herewith, was compelled to uphold the decision of the DO.

Thus the appeal is concluded.

Order is hereby conveyed to both parties in terms of Rule 27 (3) of the Commission's Rules on Fees and Procedures (Gazette No.2004/66, 03.02.2017)

\*\*\*\*\*