

The Right to Information Commission

P.M Jayantha
No. 499
Gangasiripura
Dembarawewa
Thissamaharama

-Appellant-

RTIC App/No : 304/2025

Vs.

Sri Lanka Transport Board
No. 200
Kirula Road
Narahenpita
Colombo 5

-Public Authority-

Before : 1. Mr. Dayaratne Lankapura - Chairman
2. Justice D.N Samarakoon (Rtd.) - Commissioner
3. Ms. Kishali Pinto-Jayawardena (Attorney-at-Law) - Commissioner
4. Mr. Jagath Liyana Arachchi (Attorney-at-Law) - Commissioner
5. Mr. A.M Nahiya - Commissioner

Appearance : The Appellant is present.

The Public Authority represented by Mr. J.T Danushka,
Manager (Planning & Development) / Information Officer
& Ms. Inoka Balasuriya, Administrative Officer.

Written Submissions : The Appellant : - 01.04.2025, 28.07.2025,
12.08.2025, 08.09.2025

The Public Authority : - 13.08.2025

Dates of Hearing : 10.04.2025, 22.05.2025, 12.06.2025, 19.06.2025,
30.07.2025, 03.09.2025, 08.10.2025

Decided on : 29.01.2026

Decision of the Commission

It was observed by the Commission on 08.10.2025 that except item Nos. 01 and 05 of the requests for information parties are at variance in respect of the rest of the items which are item Nos. 02 03 and 04.

They are as follows

(02) Copies of documents pertaining to the official work done by J. A. P. Ranadeva Depot Inspector on 17th and 18th of December 2020 in regard to the Kataragama Depot of Sri Lanka Transport Board and a detail of his official work on those days

(03) The name of the officer who prepared transfer letter P. 07 and submitted it for the signature of the Depot Manager

(04) The names of officers who typed [printed] the disciplinary order in P.03 and submitted it for the signature of Depot Manager and the name of the officer who posted the same

Item Nos. 01 and 05 about which there is no dispute are as follows

(01) A copy of the Work Schedule [Kaarya Chakraya] of the officers of Kataragama depot for the month of December 2020

(05) The date on which the letter P.06 was received at Kataragama depot [whether it was received in mail] and the manner in which it was received

[There is a legible copy of the above requests at page 68 of the brief which was compared with the original request]

P.03 as per the context of Item No. 04 is a disciplinary order. There is no copy of it in the brief. P. 07 on the context of item No. 04 is a transfer letter and there is no copy of the same in the brief. P.06 is not described in item No. 05 but there is a copy of that letter at page 16 and it is a letter dated 08th January 2021 on the heading “Amendment of the Disciplinary Order” [Vinaya Niyogaya Sanshodhanaya Kireema]

P. 06 refers to a letter dated 23.11.2020 and states that the second punishment in that disciplinary order was amended as follows considering the appeal of the Appellant [to his higher authority] as follows: “A severe warning that if found guilty of such misconduct in future he will be dismissed from service”.

P. 06 also shows that the original disciplinary order [which appears to be P.03 as per item No. 04] was dated 23.11.2020.

The Appellant is a conductor of Sri Lanka Transport Board who is in service.

As per the written submission of the Public Authority tendered with its letter dated 13.08.2025 [at page 58] the following information is provided in respect of Item Nos. 02 03 and 04 in contest.

In respect of item No. 02 - Attendance Register Entry pertaining to J. A. P. Ranadeva Depot Inspector on 17th and 18th December 2020 - Marked as X.2 and the relevant part as X.2a

In respect of item No. 03 - Transfer letter P.07 - the officer who prepared that letter and submitted for signature - Marked as X.3 - This is a copy of the letter sent by the Depot Manager of Kataragama depot to Chief Executive Officer of Sri Lanka Transport Board

In respect of item No. 04 - Disciplinary order P. 03 - the officer who typed [printed] that letter and submitted for the signature of Depot Manager and the officer who posted that letter - Marked as X.6

X.2 is a copy of an attendance register and Ranadeva's signature is highlighted therein.

X.3 is as it has been stated by the Public Authority a copy of a letter addressed by the Depot Manager of Kataragama depot to the Chief Executive Officer of the Sri Lanka Transport Board dated 25.10.2024.

But it does not disclose the name of the officer who prepared transfer letter P. 07 and submitted it for the signature of the Depot Manager which is item No. 03.

X.6 is a copy of an undated letter it states

Preparation of the letter by J. A. P. Ranadeva

Posted by registered post by S. M. Shantha

Hence X. 6 purports to provide the information requested by item No. 04 which is the names of officers who typed [printed] the disciplinary order in P.03 and submitted it for the signature of Depot Manager and the name of the officer who posted the same.

As per X.6 the officer who typed [printed] the letter is Ranadeva whereas the one who posted the letter was Shantha. The name of the officer who submitted it for the signature of Depot Manager is not specifically mentioned.

If this "information" is "incorrect incomplete or inaccurate" the Appellant's remedy is under section 39(1)(a) of the Right to Information Act No. 12 of 2016.

In this regard it must be said that as it has been stated in case No. C. A./RTI/05/2022 by its judgment dated 31st January 2024 although the "definition" of the term "information" by section 43 of the Act starting "information includes any material which is recorded in, in any form including records, documents, memos, emails, opinions, advices....reports..." by the use of the generic word "include" twice has brought all that comes under information as per that English word within the purview of the Act by the second word "including" refers not to "information" but repositories of information such as [but not limited to as per the word "including"] records, documents, memos, emails, opinions, advicesreports..." etcetera.

The second word “including” in the “definition” referring to repositories of information signifies that the information must be of such nature that it is contained in some repository. This is further confirmed by the words “includes any material which is recorded in, in any form..” While the two opening words “Information includes...” shows the scope of the Act as referring to all information in general; the comma separating the words “...which is recorded in, in any form..” confines the information which could be obtainable by resorting to the Act to recorded information contained in a repository only. Then the second word “including records, documents, memos, emails....etc etc shows that the list in this “definition” which has 31 items is not exhaustive; which is further confirmed by the closing words of the “definition” “...other documentary material, regardless of its physical form or character..”

In respect of the use of the comma the above judgment has referred to Professor Nathenson who has said “Pay close attention to punctuation. For example, a comma’s presence or absence may completely change the meaning of a statute or rule”.

Thus the sum result as it appears to this Commission is an unexhaustive list of repositories of information with regulating words that it must be information recorded in any form regardless of its physical form or character.

Would item Nos. 02 03 and 04 come within this “definition”? [The word “definition” was used within inverted commas as it is not a definition of the English word information [the etymology of which was examined in the above judgment] but the meaning the legislature embodied in that part of section 43 dealing with the term “information”.

Under item 03 the name of the officer who prepared transfer letter P. 07 and submitted it for the signature of the Depot Manager and under item 04 the names of officers who typed [printed] the disciplinary order in P.03 and submitted it for the signature of Depot Manager and the name of the officer who posted the same are not those in ordinary circumstances included in one of the 31 named repositories in the above “definition” starting with records, documents. Memos, Emails, Opinions....etc or any other unnamed repository that will be included by the effect of the second word “including”.

Sometimes the name or some identification of the person who prepares types or prints a letter is stated in that letter itself. For example in P. 06 [page 16] it is stated as Wili/Puli. But in respect of P.06 the Appellant does not request for the names of who prepared typed printed that letter. As already said the copies of P.03 and P. 07 are not available. He is at liberty to produce copies of those if ever a prosecution in terms of section 39(1)(a) of the Act is instituted as it is discussed hereafter.

Hence if the Public Authority says that “information” [which is not covered by the “definition” in section 43 and hence stated within inverted commas] requested in item Nos. 03 and 04 are not available the Public Authority cannot be compelled to issue that “information” under the Right to Information Act.

Nevertheless if the Public Authority notwithstanding that defect in the information request volunteers to supply any information in response to that defective request they are liable in terms of the provisions of section 39(1)(a) of the Act if they intentionally provide incorrect incomplete or inaccurate information. But the onus will be on the Appellant to establish the truth of the charge if a prosecution in terms of section 39(1) is instituted.

As it was said above the Public Authority says X.3 is the information requested in item No. 03 and X.6 is the information requested in item No. 04.

As already said in X.3 it is not stated who prepared and submitted transfer letter P.07. This is item No. 03. Hence the Appellant if at all can request to take steps in terms of section 39(1)(a) for the response to item No. 03.

X.6 purports to state the person who prepared P.03 and who posted it. If that information is inaccurate the Appellant can also request to take action in terms of section 39(1)(a) Whether such requests if made would be acceded to by the Commission is a question to be considered if and when such requests are made.

In respect of item No. 02 a detail of official work of Ranadeva on 17th and 18th December 2020 and documents that reflect his work on those two days the Public Authority has provided what it claims the attendance register and on the basis of that information request the Public Authority cannot be compelled to issue any other document.

There was no response by Information Officer or Designated Officer to the information request of the Appellant. The copies X.2 X.3 and X.6 were tendered with the written submissions of the Public Authority on 13.08.2025.

Hence this order amounts to a reversing of the stance taken by the Public Authority.

There is no impediment in law for the Appellant to make any fresh information request to the Public Authority in this regard or on any other matter.

The Director General is directed to convey the decision to the Appellant, the Information Officer and the Public Authority.

Appeal concluded.