

A.M. FOWZAN VS. DIVISIONAL SECRETARIAT ADDALAICHENAI

RTIC Appeal (In-Person Hearing)/1794 /2019 Order adopted as part of the formal meeting of the Commission on 15/10/2019.

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: Justice Rohini Walgama

Director-General: Mr. D G M V Hapuarachchi

Appellant: A. M. Fowzan
Notice issued to: Designated Officer, Divisional Secretariat Addalaichenai

Appearance/ Represented by:
Appellant – A. M. Fowzan
PA – J. Liyakath Ali

RTI Request filed on	08/08/2019
IO responded on	02/09/2019
First Appeal to DO filed on	-
DO responded on	-
Appeal to RTIC filed on	29/09/2019

Brief Factual Background:

The Appellant filed an information request on 08.08.2019 requesting the following information from the Divisional Secretariat, Addalaichenai;

1. Information on projects carried out by the Divisional Secretariat, under the Gampereliya Scheme.
 - 1.1. The estimated expenses under this scheme to reconstruct the Meleladh Nagar school situated in Addalaichenai, A copy of the cost evaluation report
 - 1.2. The Contractor who has undertaken the project (Name, address, company license number for making contracts. The name of the person who handled these contracts)
 - 1.3. Certified copy of the project completion report.
 - 1.4. Certified copies of the reports given by the Development committee of the school certifying that reconstructions were made accordingly.

The IO responded on 02.09.2019 stating that the “Assistant Planning Director, Divisional Secretariat, Addalaichenai has stated in letter dated 02.09.2019 that the scheme mentioned in the

information request is not undertaken by our Division so we are unable to produce information related to Item No 1.2,1.3,1.4 of the information request.”

The Appellant thereafter lodged an appeal with the Commission on 29.09.2019.

Matters Arising During the Course of the Hearing:

While the Commission observed that it does not entertain appeals unless an appeal has been first made to the Designated Officer, the Commission considered this an Urgent appeal under and in terms of Section 25 (3) of the Right to Information Act No. 12 of 2016 (RTI Act). This was given the death threats faced by the Appellant as described in RTIC Appeal 1741/2019 (*A. M. Fowzan vs. Zonal Education Office Akkaraipattu* Order and Record of 15.10.2019).

The Public Authority stated that it can issue the requested information to the Appellant. PA stated that they were unable to identify Meeladh Nagar School and Appellant has failed to specify the Name of the school. So if Appellant can specify the particular name of the school they will be able to issue the requested information.

Order:

The PA is directed to issue the information requested by the Appellant within one month 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.
