

U.L.A. Jamayeel vs. District Secretariat, Ampara

RTIC Appeal (In-Person Hearing) 570/2018- Order adopted as part of a formal meeting of the Commission on 06.02.2019.

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 Members: S.G. Punchihewa
Dr. Selvy Thiruchandran
Justice Rohini Walgama

Director-General Mr. Piyathissa Ranasinghe

Appellant: U.L.A. Jamayeel

Notice Issued to: District Secretariat, Ampara

Appearance/Represented by:

Appellant U.L.A. Jamayeel

PA Udara Nanayakkara, Assistant District Secretary

RTI Request filed on	30.04.2018
IO responded on	08.05.2018
First Appeal to DO filed on	28.05.2018, 11.06.2018
DO responded on	No response
Appeal to RTIC filed on	11.07.2018

Brief Factual Background:

The Appellant by his letter dated 30.04.2018 had requested the following information.

Interviews were held on 31.05.2016, 14.06.2016 and 26.11.2016 through the Ampara District Secretariat to hand over to the users, the remaining 21 houses in irraivelikandam in the Kalmunai Divisional Secretariat area.

1. The list of names that were selected as beneficiaries of these houses during the above mentioned interviews.
2. A copy of the letter sent by the Ampara District Secretariat to the Kalmunai Divisional Secretariat authorizing the grant of houses to the selected users.

The Information Officer on 08.05.2018 responded stating that Name of the beneficiaries who were selected at the interviews have not been officially released yet. Hence no such letters have been sent from the Ampara District Secretariat. Dissatisfied with the response of the Information Officer the Appellant lodged an appeal with the Designated Officer on 28.05.2018 and 11.06.2018. As the Designated Officer failed to respond within the time period stipulated under the Act the Appellant preferred an appeal to the Commission on 11.07.2018.

Matters Arising During the Hearing:

The Public Authority submitted that the houses are built for the people affected by Tsunami. However the Public Authority had not identified the receivers. Hence the letters granting such houses had not been released nor has such list been prepared. The Appellant had received the same as the official reply from the Public Authority. The Commission then questioned the Public Authority as to difficulty in allocating houses. The Public Authority explained their difficulty in selecting Applicants for 21 houses out of 650 Applications. The Public Authority brought to the attention of the Commission that there are no Tsunami affected applicants to grant these houses. The Appellant submitted that the above referred 21 houses are being used for illegal purposes such as to consume drugs and liquor. However the Public Authority denied the claim submitting such complaint had not been made to the Public Authority.

Order:

The Commission observes that the concerns of the Appellant against the Public Authority cannot be addressed by the Commission as it does not fall under the purview of the Commission. Hence order the Public Authority to release the requested information. The Commission however suggested that the Public Authority acquire directions by the Mosque and obtain the selected 21 applicants and issue the requested list to the Appellant.

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 Appeal Procedures (Gazette No. 2004/66, 03.02.2017).
