

Right to Information Act – Sri Lanka

Introduction

Right to information act (RTI act) was introduced was enacted by the Sri Lankan parliament on 23 June 2016. It was a historic moments in Sri Lanka parliament since this is huge step that strengthen the good governance and democracy. It was a result of long term hard effort. A fundamental concept of the RTI act is that people have right to know information of that functions and projects of the country conducted by using public funds.

Why RTI Act is introduced?

The main objectives of introducing RTI Act are empowering people, avoiding corruption and improving accountability and transparency in the government activities. The vision of introducing this act is to ensure that Sri Lankan citizens are able to effectively use their right to information. Further, another idea of introducing this act is to develop culture of transparency and good governance through effective adjudication and reviewing of the practices of all public authorities (Sri Lanka press institute, 2019). Furthermore, this leads to peoples being more aware of all information relates to them by promoting proactive disclosure. In many countries, right to information is considered as a constitutional right. This is also called as “freedom of information” and governments are bound by law to promote transparency. Public officials has to disclose any information that requested by any citizens under the act unless it comes under any exceptions which protect interests such as national security, personal privacy or law enforcement (RTI Sri Lanka, 2017).

One of main complain of the citizens about government functions is that corruption has been spread all over the government authorities. In one aspect, enacting RTI act is part of struggle against corruption. Therefore, it was a collective effort of many civil activists. Instead of government or public bodies, private entities that impact public life are also bound to provide information. Therefore, main intention of enacting RTI act was to establish transparency, accountability and protect general public from mismanagement and corruption. Further, this lead to use public participation to policy making.

How RTI Act has introduced?

The discussion about this act emerged since mid of 90s. Sri Lanka’s RTI movement was not a campaign grew up from grassroots level. It was started from small number of journalists, legal

activists and academics (Jayawardena, 2018). This was mainly due to lack of knowledge of the public about this right. However, that movement was led by a group of people who purposely kept away from the political dynamic of that time, they were not influenced by political pressure (Jayawardena, 2018). The first draft of right to information bill was approved by the Cabinet in 2004 and subsequently submitted to Parliament. If the law came into force, Sri Lanka would be the first country in South Asia to have right to information law. However, that attempt was failed since parliament was dissolved before debated the bill. Again in 2015, RTI bill was brought back to conversation. RTI commission has main responsibility to develop the draft and the commission revised the previous draft according to current rights protection standards (Jayawardena, 2018). Therefore, the draft that tabled to the parliament was up-to-date document. Then, in August 2016, RTI bill was enacted as a law by Sri Lankan parliament. This was remarkable incident of Sri Lanka. It was arguable to introduce RTI act at the time of war therefore, RTI act was a positive step that was taken towards to improve the democracy. Under the RTI act, Right to information commission is established. It is the central oversight and enforcement agency. It is a legally independent body empowered to investigate complaints about violations and recommend disciplinary measures against offending officials. It also has the power to prosecute those who commit offenses defined by law. The Commission consists of a chairman and four members appointed by the President based on the recommendation of the Constitutional Council. The Constitutional Council is requested to recommend one person each nominated by the Sri Lanka Bar Association, media organizations and other civil society organizations (RTI Sri Lanka, 2018).

What are the important aspects of the RIT act?

Compared to other regional countries, RIT act of Sri Lanka can be considered as advanced since it also cover security and intelligence bodies unlike in other regional countries. Instead of that, it cover office of the President to private bodies to non-governmental organizations substantially funded by government, foreign governments or international organizations, universities, technical institutions and etc. (Sri Lanka press institute, 2019).

Access to information means that people can freely receive information. It means that the free availability of information as well as the various possibilities of receiving information are operated within society (RTI Sri Lanka, 2018). Most importantly, it ensures a condition that does not require

ensorship or restriction of the media, and that allows free access to information without undue influence.

Another aspect RTI act emphasize is that State institutions should be responsible for creating an environment in which people have access to information of importance to them. In addition, the state is required to ensure that the information is available to people in a simple and understandable manner (RTI Sri Lanka, 2018). Further, the responsibility to release information means the obligation to release information that is related to various individuals to a proper request. Subject to exceptions such as national security, people should have the right to request information from state institutions. Releasing private information and information related to accomplishments being done using the public tax funds is a responsibility of public officials. It is a right of people to receive such information promptly and with complete accuracy (RTI Sri Lanka, 2018). These are the main aspects of RTI act. The term information includes any mode of information in any form of document, record, circular, email, press release, electronic data or etc. Therefore, the RTI Act makes it easier for citizens to exercise their constitutionally right to information. The law sets out the procedure and mechanism for obtaining information from public authorities.

How RTI Act promotes good governance?

On the other hand, RTI is an index that measure the development and growth of the country. In Sri Lanka, the citizens didn't have any access to any information which was dealt by any public authority until 2016. Without getting any reliable information, it is not easy to citizen to actively participate in any political, social or economic debate or concern of the country. Information and knowledge are crucial for the realization of the whole person aspirations such as improving the quality of life (Laskar, 2016). Further, before this act, The people who voted democratically for the elected governments and paid taxes to finance public activities had no legal rights to know which process was followed in developing the policies that affect them, how the programs have been implemented with whom the officials are linked to the decision-making process and the execution of the programs and why the promise made were not fulfilled.

The new law brought sensitivity, responsibility and accountability the development process especially in rural area development projects. RTI Act is a guide to fighting corruption and avoid delays of implementing state funded programs. Good governance consists essentially of four

elements: transparency, accountability, predictability and participation. These criteria refer to the availability of information to the general public and clarity on the functioning of state institutions (Laskar, 2016). Right to Information helps in achieving these goals. Good governance and right of access information complement each other. Good governance is defined by political accountability, availability of freedom, bureaucratic accountability, availability of information, effectiveness, efficiency, law-abiding citizens and cooperation between government and society (Laskar, 2016). Therefore, RIT act is one of input and also outcome of good governance.

Conclusion.

RTI act is a positive approach that Sri Lanka took for democracy and good governance. It improve the transparency and accountability of government activities and provide opportunity to citizens to involve social, political and economic concerns. However, still knowledge among general public about RTI act is minimum. Currently, it is an obstacle to get the best out of the act. Therefore, RTI commission has a responsibility and a big challenge to improve public awareness about the RTI act.

References

RTI Sri Lanka (2017). *Concepts of RTI*. Retrieved from: <https://www.rti.gov.lk/about-rti/concept>

Sri Lanka press institute (2019). *What is RTI?* Retrieved from: <http://www.sipi.lk/rti/what-is-right-to-information/>

Jayawardena, K. P. (2018). *Challenges for Sri Lanka's RTI for the future*. Colombo telegraph. Retrieved from: <https://www.colombotelegraph.com/index.php/challenges-for-sri-lankas-rti-for-the-future/>

Laskar, S.M. (2016) *Importance of right to information for good governance in India*. Bharati Law review. Retrieved from: <http://docs.manupatra.in/newsline/articles/Upload/AC9CD2C7-B8AD-4C5A-B910-3751BFE5CB28.pdf>