



STATEMENT BY RIGHT TO INFORMATION COMMISSION OF SRI LANKA ON FOUR YEARS OF SRI LANKA'S RTI REGIME

February 19th 2021

Marking four years of Sri Lanka's RTI Act being operationalised on 3rd February 2021, the RTI Commission continued an island-wide advocacy engagement with Public Authorities, communities and citizens with provincial consultations being held in Nuwara Eliya on 21st January 2021 with the participation of the District Secretary, Nuwara Eliya Mr M.B.R Pushpakumara, officers of Divisional Secretariats and members of the public.

Further assessment of gains and challenges of the past several years took place in discussions of the RTI Commission with senior academic and administrative staff of the Universities of Kelaniya and Colombo respectively on 9th and 16th February 2021. The collaboration of the Faculty of Law, University of Colombo is particularly noted in regard to the latter programme. Activities also included the holding of a two day provincial consultation in Matara on February 18th and 19th 2021 with community based organisations (CBOs) who have actively used the RTI Act along with senior public officials of the Office of the District Secretary, Matara.

Previously discussions were held by the Commission in Panama in the Ampara District, Ambagamuwa in the Nuwara Eliya District, Sooriyawewa in the Hambantota District, Killinochchi in Kilinochchi District, Jaffna in the Jaffna District, Karuwalagaswewa in the Puttalam District, Mahiyangana and Bandarawela in the Badulla District, Kanthale in the Trincomalee District, Nawalapitiya in the Kandy District and Baddegama in the Galle District. The Commission intends to continue these advocacy activities during the coming six months and extends its deep appreciation to District Secretaries, Vice Chancellors of the respective universities, heads of other Public Authorities, CBOs and public spirited citizens who, despite severe constraints caused by the spread of covid-19 in Sri Lanka, enthusiastically supported the programme.

Discussions centered on assessing gains and challenges of the RTI regime, minimising obstacles in the practical working of the RTI Act due to the continuation of the global pandemic in the country, including the exploration of holding provincial appeal sittings of the Commission on a regular basis as well as holding virtual appeal sessions in order to minimise health risks.

The Commission communicated its increasing concerns regarding delays on the part of Public Authorities in the giving of information under Sri Lanka's RTI Act, stating that notices

of warning of prosecutions to public officers assessed as responsible for deliberate delays and bypassing of official duties under the Act are now being sent under the seal of the Commission. Though the number was few in this regard, it was observed that the Commission will not hesitate to resort to its statutory power of activating the criminal legal process if the RTI Act is intentionally disregarded or flouted.

Positive policy changes and proactive disclosure on the part of Public Authorities subsequent to four years of the RTI Act being implemented were welcomed. These included the open publication of lists of beneficiaries of public funds under the Samurdhi programme and other public welfare initiatives. It was noted that policies, directives and circulars that impact on the general public are also being made available to citizens and that municipalities and other state entities engage in greater open disclosure of information on projects. Even so, proactive disclosure as envisaged in the RTI Act and regulations made thereunder remain to be strengthened specifically where the use of public funds is in question.

Meanwhile we are heartened by the inclusion of Sri Lanka as a promising case study in the 2020 global report on the status of Right to Information regimes worldwide, titled 'From Promise to Practice...' presented to the General Assembly by the United Nations Educational Scientific and Cultural Organisation (UNESCO). We note the reference in that report to the fact that, the Commission's Orders, during 2017-2019, reflect disclosure of information in full or in part in 85% of appeals. This is in line with the Commission's determined stand of protecting the principle of maximum disclosure which underlines the RTI Act.

It is our expectation and hope that hard won gains of RTI during the past several years are preserved as well as enhanced as Sri Lanka proceeds on her Right to Information journey.

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