

CONSULTATION ON SECURING THE RIGHT TO INFORMATION (RTI) LEGISLATION IN SRI LANKA

Organised by : Commonwealth Human Rights Initiative (CHRI)
Facilitated by : Lanka Jathika Sarvodaya Shramadana Sangamaya (LJSSS)
& Sarvodaya Legal Services Movement (SLSM)
Supported by : Friedrich Naumann Stiftung Fur Die Freiheit (FNF)
Venue : Vishwa Samadhi Conference Hall – Savodaya Head Office
Date : 22nd and 23rd November 2010
Moderator : Mr. Sudarshana Gunewardena-Rights Now, Executive Director
Agenda : Attached¹.
Participants : List attached²

DAY 1

Ms. Sakuntala Rajamantri³ welcomed the participants and invited the distinguished guests to light the traditional oil lamp.
This was followed by 2-minutes Meditation.



¹ Annexure 6

² Annexure 7

³ Programme Officer, SLSM

Introduction

Universal Declaration of Human Rights, 1948

Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

The International Covenant of Civil and Political Rights, 1966

Article 19(2): everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

Many countries including most of the South Asian countries already have constitutional and legal provisions guaranteeing this RTI. In Sri Lanka however, although many segments in the civil society have stressed on the need for same, the interest of the government in legalizing the RTI has been minimal.

Until now, the need for legislation on RTI was understood by mainly the intellectual and educated segments of the society, whereas the grassroots level and rural communities in Sri Lanka were unaware of the existence of such a right. Although, through local government laws, the RTI exists to a certain extent, this right is not exercised in Sri Lanka, largely due to the ignorance of the people. Accordingly, there is an urgent need to make people aware, of their RTI and on how they would benefit by having RTI. Given the Governance structure and the Rule of Law in Sri Lanka, it could be said with certainty that the RTI would have many benefits in Sri Lanka.

This workshop was organised with the aim of, educating the leaders in the community and selected journalists by giving an overview of RTI which prevails, and the importance of having RTI Law in Sri Lanka, and thereafter obtaining their services in taking RTI to the grassroots level.

Objectives of the workshop

- i) To sensitize participants about the need for a RTI Act in Sri Lanka**
- ii) To formulate a future action plan for spreading awareness regards RTI at the grassroots in Sri Lanka**

At the outset, the moderator asked the participants what they expected from the workshop.

The participants replied ;

- obtain information about what RTI is,
- the need for RTI and how it assists the community,
- how RTI works from a practical point of view,
- learn about the legal provisions in relation to RTI,
- identify the forces against it,
- initiate a discussion and dialogue regarding RTI,
- learn about what can be done to take RTI to the grassroots level
- learn about what can be done to ensure that RTI becomes Law.

Welcome address was delivered by **Dr. Vinya Ariyaratne**¹.



Dr. Vinya informed that the FNF and CHRI have worked on the RTI in many parts of the world to ensure that RTI is given recognition through the respective legal systems. LJSSS was approached by CHRI in order to take the RTI to the village level through Deshodaya, a new concept of the Sarvodaya movement, and the SLSM, and as RTI was relevant to various activities conducted by Deshodaya and SLSM, LJSSS embraced this opportunity.

Everyone has a RTI, as this helps people take informed decisions on various subjects, and improves government accountability and transparency. However, it is not always convenient to obtain information from a practical point of view. LJSSS, through various societies at the grassroots level, has helped people obtain information, and has faced many hardships during this process, as there is no legal framework in place.

Dr. Vinya further stated that a cross section of lawyers, journalists and Sarvodaya representatives were invited to participate at this workshop in order to create a dialogue of RTI with a broader participation thereby ensuring far reaching results.

Ms. Sohini Paul²

Introduction of the Workshop and its objectives

Ms. Paul informed the participants that this workshop was organized in collaboration and partnership with LJSSS as it was an organisation, which was widely spread throughout Sri Lanka. She further stated that the focus of CHRI was on South Asian countries, and most other countries in South Asia had a Law or a Bill being discussed and debated in parliament, Sri Lanka being the only exception.

During this workshop, the struggle to obtain RTI in India would be looked into in detail, to ascertain how a developing country got a RTI Law and how this Law continues in helping the poor, by looking at case studies.

In taking the RTI forward it is important to strengthen the efforts already started, while studying the best-practiced principles which have been developed, from around 95 countries which have legalised RTI laws, throughout the world.

In conclusion she stated that, the focal point of this workshop would be on what RTI is, the importance of RTI, the links of RTI with democracy and good governance, and the debate and discussion on the RTI law in Sri Lanka.



¹General Secretary, LJSSS.

² Senior Project Officer, CHRI

Ms. Sagarika Delgoda¹

Introduction of FNF and their role in RTI in Sri Lanka



Ms. Delgoda informed the participants, that FNF has had a long association with Sri Lanka for over 40 years. FNF promotes liberal democratic values such as individual liberty and human rights, secularism, the rule of law, limited Government, and the free market, which is essential to the ideals of human freedom, good government, and economic prosperity across the world. FNF worked with CHRI in India on the RTI at a time when the RTI movement was in its infancy and subsequent to RTI

becoming a law in 2005, FNF continued to support CHRI in sharing their expertise and experiences with civil society stakeholders across South Asian countries.

Although, South Asian Association for Regional Cooperation (SAARC) has been in existence for nearly 2 ½ decades, the governments of the SAARC region are still not cooperating as closely as they should be. Therefore, the contact between civil society actors is a valuable tool to enhance the relations between the people of these nations. For this reason FNF promoted the creation of a South Asian network on RTI, which already exists in the virtual reality form of a mailing list called SARITAN (South Asian Right to Information Network).

While appreciating the gesture of LJSSS in partnering this workshop, she stated that Dr. A.T. Ariyaratne was a pioneer in Sri Lanka who understood that people have to be stakeholders for any objective to be fruitful.

She concluded stating that, today all spoke of Sri Lanka forging ahead with economic development. However, if all Sri Lankans were to be stakeholders of this development, it was important that they be aware of the parameters that would make such a development equitable and meaningful. Hence, access to information was a priority and there was no doubt that securing a RTI legislation in Sri Lanka should be pursued.

Dr. A.T. Ariyaratne²

Need to secure a RTI Legislation in Sri Lanka – A Deshodaya Perspective

Dr. Ariyaratna spoke on how the RTI can be taken to the grassroots levels of Sri Lanka through the Deshodaya programme which was a widespread programme and had seeped into the rural villages in Sri Lanka.

Dr. Ariyaratne stated that FNF and LJSSS have worked together in the past and was extremely grateful to FNF for all the assistance given, while appreciating FNF for lending its support to this workshop.

Dr. Ariyaratne told the participants a story. ie. Once, while Winston Churchill was having a bath, Joseph Starlin had knocked on the door. Churchill had come to the door without any clothes on and had stated that Great Briton had nothing to hide. What he meant was

¹ Country Representative, The Friedrich Naumann Stiftung fur die Freiheit, Sri Lanka

² Hon. President LJSSS



that Joseph Starlin hid everything as there was no open democracy in Russia, which Great Britain had.

Similarly, Dr. Ariyaratne stated that any politician or administrative official should be in a position to state as Churchill did. i.e. that they had nothing to hide. LJSSS has already commenced acting according to this concept where, during the 'Family Gatherings' held within the various institutions of LJSSS various parties discussed mistakes made by them, which played a pivotal role in the process of reform.

In Sri Lanka, democracy has not yet seeped into the minds of the common man, nor are they aware of the true extent of democracy. As an example Dr. Ariyaratna stated that the transparency of the activities of the government would have been displayed, had the various advertisements for the swearing in of the president for the second term, mentioned where the money was received from for the advertisements. In addition to the above, the public did not seem to be aware of the fact that they were entitled to know about same as they were the ultimate bearers of the costs as tax payers.

Dr. Ariyaratne further stated that in the United Kingdom, when issues of corruption arose some ministers resigned for moral reasons, not due to the fact that they had taken bribes, but because the people had suspicions, whereas in Sri Lanka the system was entirely different.

Based on existing laws, information could be obtained from certain local government institutions in Sri Lanka. However, people didn't make use of the law, largely due to ignorance of the laws and their rights.

Dr. Ariyaratne informed the participants that, through Deshodaya, the RTI can be introduced to the public, by making them aware of the benefits of RTI, including the curbing of corruption. Awareness creation should be done at the village, provincial, and the district level and should commence from the grassroots, continuing until RTI becomes law. He stressed on the importance of educating the Deshodaya leaders of the value of RTI, as they would ultimately play a pivotal role in taking the message across to the grassroots. Presently, LJSSS conducts many workshops to educate Deshodaya leaders on various subjects of importance and the RTI could be included in agenda of these workshops in future.

Dr. Ariyaratne concluded stating that passing the law was not sufficient, as the law, once passed must be implemented for the law to have actual benefits.



Mr. Shevon Gooneratne¹ introduced Mr. Sudarshana Gunewardena, the Moderator of the Workshop, who would be conducting the workshop.

Mr. Sudarshana Gunewardena¹

¹ Chief Executive Officer - SLISM

Mr. Gunawardena stated that democracy gets value when government representatives and rulers give information on various activities carried out by the government including the amount of funds spent on development activities, welfare, health, education services etc. The RTI guarantees to the public this information, which improves government accountability, and transparency thereby improving the government itself. Mr. Gunawardena stated that through Deshodaya the importance of RTI should be given to the public and thereafter, the public would provide assistance in achieving the aim of passing the RTI law.



Mr. Gunawardena informed the participants that this workshop would focus on what RTI is, why it is not a Law in Sri Lanka and what can be done to ensure the passing of the Law.

SESSION 1

Mr. Ananda Jayasekera²

RTI as a human right and its links with democracy and good governance

The purpose of this presentation by Mr. Jayasekera was to educate the participants on how RTI was a human right of the people, and the connection between RTI, democracy and good governance in a country.

RTI is important in a democratic society and in the developed world RTI is treated as a basic human right. Mr. Jayasekera stated that he believed that there is a RTI in Sri Lanka. The problem being that this right was not given by way of a law passed by Parliament.

Article 10,11,12,13 and 14 of Chapter iii of the Constitution of 1978 sets out the fundamental rights of a person.

Article 10 specifies that a person is entitled to freedom of thought, conscience and religion including the freedom to have or to adopt a religion or belief of his choice.

- freedom of thought includes the freedom to obtain information.

- freedom to practice or to adopt a religion includes the freedom to question a belief and to adopt or discontinue a belief.

- freedom of conscience is a right a person has, to believe that a certain matter is correct based on a person's belief and judgment.

Article 14(1)(a) provides that a person has a right to the freedom of speech and expression including publication.

Mr. Jayasekera stated that RTI was linked to all of the above.

¹ Rights Now. Executive Director

² Media Officer, Transparency International Sri Lanka(TI)

Mr. Jayasekera referred to the case of **Environmental Foundation Limited v Urban Development Authority**¹, where the Supreme Court ruled that the RTI is connected to freedom of speech.

Accordingly, the Articles of the Constitution as stated above are sufficient to obtain RTI. However, Mr. Jayasekera stated that, governmental institutions are not geared to provide information, which makes it practically difficult to obtain information from these institutions. He stressed that it is for this reason that a law on RTI is required and not due to the fact that there was no right.

Article 19 of the Universal Declaration of Human Rights, adopted by Sri Lanka, refers to the freedom of opinion and expression; which includes the right to seek, receive and impart information and ideas through any media regardless of frontiers.

Mr. Jayasekera stated that it was evident based on the above and other International Standards², that RTI was universally recognized as a human right. He also spoke about RTI and the links it had with democracy and good governance.

Governance is the act of taking and enforcing of decisions. Aspects of good governance includes Participation, unanimity, accountability, responsibility, transparency, responsiveness, usefulness, equality and equal participation and Rule of Law.

Good governance ensures the democratic rights and freedom of individuals, protects and ensures equal distribution of resources to give an adequate life style, ensures morals, social security and welfare and gives precedence to social, economic and political fairness. Where there is good governance, the need to conceal information does not arise.

Mr. Jayasekera further stated that democracy was responsive and not one sided. In order to enable public participation in the democratic process and decision making, they should be made aware of the various activities of the government and should be given opportunities to know details of decisions of the government affecting their day to day lives. The government was elected by the citizens. Citizens require information-among other matters- to ascertain if and how much of their money as tax payers was utilized for development and social welfare programmes, maintenance of elected representatives, government officials and the amounts spent on publicity campaigns utilizing ministry funds. In the United States of America, it is possible to obtain the breakdown of the cost of election, including the donors of funds for the election campaigns. Citizens have a responsibility and a right to interfere and inquire into the disbursement of funds. Good governance and democracy includes monitoring, which cannot be carried out, if information is not provided.

Although representatives were elected based on their policies, these representatives once elected, are under obligation to act according to the wishes of those who contribute funds for the election campaigns. This gives rise to a gap between what is actually carried out by the elected representatives and what is expected of them by those who voted.

¹ 28/11/2005

² Annexure 1

Mr. Jayasekera gave the following instances, where it was important to have a RTI Law; Tsunami rehabilitation and reconstruction process¹

<u>Promised by donors(LKR)</u>		<u>received(LKR)</u>		<u>spent(LKR)</u>
241,537,479,923	/	122,130,378,286	/	68,533,124,662

When TI queried about the differences in values, the government had responded that not all funds promised were received. Though requested for by TI, funding documents were not provided by the government. Information was limited to what was gathered from unofficial sources as there was no RTI Law.

Auditor General's report² - out of the 26116 queries raised, only 7190 had been answered. Mr. Jayasekera stated that his attempt to gather information on those who had not replied, firstly as a citizen and then as a journalist failed as there was no RTI Law. He stated that citizens had a right to know information of the institutions, which had misappropriated funds, the amount misappropriated and action taken against those responsible.

The Municipal Council Act and the Pradeshiya Sabha Act has provisions where the tax payee can request for information. Until the law is passed, these existing provisions can be used in order to obtain RTI. Mr. Jayasekera concluded stating that, it was a duty of the citizens to utilize the RTI, that was available to them through the existing legal framework.

Mr. Sudarshana Gunewardena mentioned that, in Sri Lanka the Constitution provides that a Bill has to be published in the Gazette at least 1 week prior to it being presented in Parliament. Once a Bill was passed into Law and became an Act of Parliament citizens could not challenge it. Hence, it was important that the citizens be given a reasonable opportunity to study the Bills and give their comments prior to passing of the Acts. The RTI could ensure that the citizens were given this right.

Accordingly, as explained by Mr. Ananda Jayasekera, the RTI is a human right of people, which is connected to other fundamental rights. Further there is direct links between democracy and good governance as the RTI ensures that the people could obtain the required information to be actively involved in the governing mechanism of the country. This would improve government accountability and transparency, expose corruption, facilitate monitoring which in turn may contribute to improving the government and enable public participation in the democratic process and decision making.

Short film on RTI- The participants were shown a short film on the struggle to obtain RTI in a remote village in India. This film depicted how the villagers got together, and through documents including pay rolls, estimates, budgets etc. uncovered how corrupt officials had deprived them of their wages and other entitlements. This film also showed how various methods such as muppet shows, songs and plays were utilized to educate the illiterate villagers on the importance of RTI.

¹ TI research (March 2007)

² for the period of January 2005 to June 2007

SESSION 2

Ms. Michelle Gurung¹

International Evolution of Right to Information²



The purpose of this presentation was to educate the participants on the how RTI evolved internationally over a considerable period of time.

Misconceptions of the RTI Law.

i. RTI is a product of the developed world.

-1st RTI Law was passed in Sweden in the 18th century, which was economically less developed than India at that time.

The Freedom of the Press Act of Sweden in 1766 guarantees access to information to every subject and covers government, parliament and assemblies of church and local government. The obligation was laid on the Parliament to give information free of cost and quickly.

-2nd Law was passed in Colombia, which continues to be considered a developing country.

Code of Political and Municipal Organisation, 1888 permitted access to records held by government agencies and archives and access was granted unless forbidden by any other law.

Law ordering the Publicity of Official Acts and Documents was adopted in 1985

Right of access to official documents was guaranteed by the Constitution in 1991.

ii RTI is for the educated class

-First recognition of RTI as a human right was in France in 1789 where the majority of French Revolutionists had not been to school.

Article 14 & 15 of the Rights of Women and the Female Citizen, 1798 provides that

-female and male citizens have the right to verify the necessity of the public contribution,

-the collectivity of women, joined for tax purposes to the aggregate of men, has the right to demand an accounting of his administration from any public agent.

-RTI in India was mainly launched by the illiterate.

¹ Senior Project Assistant-CHRI

² Annexure 2

The Generations of RTI Law, which is an academic construction, can be described as follows:-

First generation of RTI Laws

France conceptualized the 'right to know' as part of 'human rights' for every citizen. Sweden and Colombia were the foremost to have specific laws. Swedish law include principles of maximum disclosure, minimum exceptions, quick and cost free access and grievance redress in courts against unreasonable denial of access. Features of Swedish law can be found in the RTI laws of the 21st Century.

Second generation of RTI Laws

11 Countries in the Americas, Europe and the Pacific adopted Freedom of Information (FOI) laws. ie. Finland, USA, Denmark, Norway, France, Netherlands, Australia, Canada, New Zealand, Greece, Austria.

These are not considered the best laws due to limitations such as,

- only the executive was covered & access was limited to official documents.
- no duty to confirm/deny existence of documents,
- ministerial vetoes on disclosure of sensitive information
- no penalties for violation of the FOI law
- no implementation, monitoring or reporting duties.

Third Generation of RTI Laws.

Most laws cover all three organs of State and principles of maximum disclosure, minimum exceptions, public interest override, independent appellate mechanism, have been included in the Laws, while preference has been given to Independent Information Commissioners for adjudication of disputes.

A number of developing countries have passed RTI Laws including Ukraine, Kazakhstan, Belize, Thailand, Uzbekistan, Latvia, Albania, Israel, Aruba, Dutch Antilles.

The Law in Zimbabwe has a number of exceptions and it is said that the purpose of the Act was to withhold information rather than to provide information

Having a Law on RTI gives international recognition. Sweden is considered to be the least corrupt and most dedicated to democratic principles due to the RTI Act.

Accordingly, over a considerable period of time RTI has evolved and has been given legal recognition in many developed and developing countries across the world.

SESSION 3

Ms. Sohini Paul – CHRI

Basic Components of a Good RTI Law¹

The purpose of this presentation was to identify the best practised principles of RTI Law, which have been developed over a period of time across the world.

Ms. Paul stated that RTI Law is different from other laws as it is implemented by people where the government complies. Hence, RTI was a very powerful and empowering tool.

Who should be covered?

- All bodies
- established by or under the Constitution
 - established by statute
 - established by executive order
 - financed directly or indirectly by government and public bodies
 - providing public services
 - performing public functions.

The Best practised principles.

- i Maximum disclosure.- Information is more than records and includes records, documents, memos, emails, opinions, advise, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, compilation of disaggregate information, data material in electronic form.
- ii Right of access should include the right to
 - obtain accurate information
 - inspect records, documents and works,
 - take notes and extracts from records and documents
 - obtain certified copies of records & material samples
 - obtain information in electronic form.
- iii Proactive disclosure
- iv Minimum exceptions-in the 2010 Bill of Sri Lanka, the parliament and cabinet of ministers are excluded.
- v Simple, inexpensive and timely access procedures
- vi Appellate mechanism should be there
- vii Courts not to interfere except by way of an appeal against a decision
- viii. Protection for officers for information disclosed in good faith
- ix Protection for whistle blowers
- x Specification of decision making processes in which people can participate and meetings of public bodies which they can attend.
- xi RTI law should override all other laws.
- xii Setting up oversight body to monitor implementation within public bodies.
- xiii Oversight body should develop training programmes for designated officers and employees

¹ Annexure 3

- xiv Public education programmes should be undertaken by government to spread awareness about the law
- xv Rules and regulations should be made by government for implementing the law with parliamentary approval.
- xvi Monitoring and reporting compliance.
- xvii Stringent penalty helps overcome persistence to openness

In conclusion Ms. Paul stated that these principles continue to evolve and develop and is important that these be taken into consideration when drafting the Bill in Sri Lanka, in order to ensure an effective RTI Law.

Ms. Gareesha Wirithamulla¹

Transparency Provisions in local government laws in Sri Lanka and the Constitutional provisions re RTI²



The objective of this presentation was to educate the participants of the various provisions of the local government legislation which gave rise to the RTI, which the public was not aware of.

The existing provisions which grant public the RTI in Local Governments in Sri Lanka, are set out below;

Municipal Council (MC) Ordinance

Section 25 – Minutes of all MC meetings available at reasonable times at MC office for inspection

Section 153– MC to maintain a revenue defaulters list / available for inspection by any person during reasonable times.

Section 235– MC to keep an Assessment Book with the annual value of each house within the municipality/ give public notice every year for inspection of the assessment book.

Section 271– copies of all bylaws to be kept at the MC office/ available for sale to the public.

Section 190– statements of disbursements and receipts of the municipal fund to be published in the Gazette.

Section 212 – budget of a MC shall be available for inspection for 7 days (prior to date of submission)

¹ Programme Manager – TI Sri Lanka

² Annexure 4

Urban Council's (UC) Ordinance

- Section 28 – All acts, proceedings and orders of the UC shall be entered into a book / copies extracts can be obtained and admissible as evidence in court proceedings.
- Section 40 – before entering into contracts with expenditure value of more than Rs.1,000/- shall call for tenders by advertisement (Unless authorized by resolution of UC)
- Section 76- License for the re-erection of or any addition of a building or boundary wall registered in a register at the UC/ register to be available for inspection by any person during normal working hours.
- Section 155 – copies of all bylaws made in Sinhala and Tamil shall be kept in the UC of the town / shall be open to the public for inspection and sale.
- Section 176(3)– books of accounts of the UC to be available for inspection at all reasonable hours / householders may take copies of or extracts from such books free of charge.

Pradeshiya Sabha's (PS) Act

- Section 124 – Copies of bylaws open for inspection and available for sale to the public.
- Section 141- PS to make public the completion of any assessment lists or acreage lists and any person shall be permitted to inspect such lists free of charge/PS to maintain “Book of objections” with written objections to assessments or verifications.
- Section 171 – Rules of procedure for managing Pradeshiya Sabhas Fund, including mode of providing notice of finance proposals of a PS and publication of periodical statement of accounts.

National Policy on Local Government

No. 1632/26 – 18/12/2009

- 4.3 – Transparency, accountability and responsiveness
- 4.3.1- Transparency and Accountability:
-Achieving the highest possible level of local government transparency and effectiveness.
-It will uphold and protect the citizen's right to information and will make the operations of the local authorities transparent
- 4.3.3 - Access to Information
-Local Government Policy will encourage and ensure that all the Municipalities, the UC's and large PS's will install and continually update and upgrade the required level of facility to operate information Management Systems.
-... in order to collate and store the said data for easy retrieval, effective planning and indicator based performance review.

Standing Committees

Circular No. 2 Ministry of Provincial Council and Local Government (April 2007)

- Local Authority to have 1 committee for Finance and Planning and a minimum of 4 other committees.
- all matters presented to the council to be channeled through the committees.
- Inclusion of citizens-compulsory to facilitate people's participation.

Advisory Committees

Circular No. 10 Ministry of Provincial Councils and Local Government (April 2007)

- consists of senior citizens, subject specialists, competent persons who can contribute to LA.
- Assist and advise the councilors in the discharge of their responsibilities and formulation of their policies.
- A link between the LA and the people.
- Non political

Ms. Wirithamulla stated that although these provisions made it possible for the public to obtain information they require to a certain extent, due to ignorance, the public did not make use of these provisions.

Ms. Wirithamulla gave the example of the Bandarawela UC, where the officials had taken steps to maintain the records in a manner which made it convenient for the public to inspect same as specified by the Act. Furthermore, suggestion books were kept in the office, requesting the public to provide their ideas and suggestions on how the officials could improve their service to the public, which Ms. Wirithamulla stated was commendable. However, she emphasized that, unfortunately, mostly due to ignorance, the public did not make use of same, as they were not aware of their RTI.

Ms. Geethika Kumari¹, commented that when sign boards were put up in english in villages including details of, for eg. development activities of roads, the villagers would not understand same and the purpose would be lost. Ms. Wirithamulla responded stating that this issue would not arise had there been a RTI, and mentioned that the Citizens Charter could be made use of in this instance, and a request made as a tax payer to have the boards in the requires language, to overcome the problem.

Mr. Sudarshana Gunewardena stated that RTI was important for democracy and transparency where people had a right to know how much of the public funds had been utilized. The existing laws on RTI was futile in the light of the public's ignorance of same. Hence, it was essential that this discussion be carried forward and as LJSSS had a large following, it was in a position to take the importance of RTI to the general public. It was important to coordinate efforts with various organizations and civil societies and combine resources as this would ensure maximizing of results. Mr. Gunawardena further

¹ Deshodaya Leader

stated that if funding was an issue, international organizations may come forward with assistance, based on requests made by us.

Mr. B.A.S. Banagoda¹, observed that although there were laws in certain local government institutions on RTI, if the public requested for information quoting these laws the officials may disagree and withhold provision of information. In such instances as it was their duty to carry out their job, people could obtain a writ of mandamus through the Magistrate's Court and force the officials to carry out their duties in accordance with the terms of the Acts.

To a question raised on the uncertainty of not knowing when a RTI Law would be passed in parliament in the face of minimal assistance from politicians, and what could be done in the interim, Ms. Wirithamulla responded that there were provisions to obtain information from Local Governments which could be made use of in the interim, while educating the people at a village level of the importance of RTI, thereby having a dialogue, which would help the people force parliament to bring Laws.

The participants showed interest in knowing about the existing laws and how the laws could be made use of at a village level for the benefit of the public, and in being used by the participants themselves in carrying out their activities as community leaders.

SESSION 4

Dr. Rohan Edirisinghe²

RTI in Sri Lanka – Supreme Court decisions on transparency/RTI and analysis of the draft RTI Bill

The purpose of the speech by Mr. Edirisinghe was to look at the RTI in Sri Lanka through court decisions and to analyse the various attempts of drafting and introducing the RTI Bill.

Dr. Edirisinghe stated that there have been a number of instances where the Supreme Court held that the Constitution does guarantee a RTI, and proceeded to give examples of such cases. In the case of **Fernando v the Sri Lanka Broadcasting Corporation and others³**, it was held that Article 14 includes every form of expression and its protection may be invoked in combination with other expressed guarantees such as the right to equality. It extends to and includes implied guarantees necessary to make the expressed guarantees meaningful.

In the case of **Environmental Foundation Limited v Urban Development Authority⁴** where state owned land -being the Galle Face Green-, which was a place of recreation for the public was given to a private company without the knowledge of the public. The Environmental Foundation Limited challenged the decision of the government based on the Public Trust doctrine. The Court held that though there is no explicit right to information in the Constitution, the right to freedom of speech and expression and

¹ Attorney at Law

² Director – Legal, Center for Policy Alternatives

³ (1996) 1 Sri L.R. 157

⁴ 28/11/2005

publication guaranteed by the Constitution comprises the right of the person to received information on matters of public interest.

Dr. Edirisinghe further stated that people often believed that democracy concerned elections, which was incorrect. Constitutionalism and liberal democracy includes how a party in power deals with constitutionalism and constitutional theory and ensures that the power is exercised for the benefit of the people, and is accountable. Power has to be exercised for the right reasons for the people. In Sri Lanka there is a culture of authority and secrecy rather than a culture of openness and justification. The culture of justification is an important component in democracy. People who wield power should have a mindset to justify and rationalize the thinking process and be willing to justify how and not why a decision was reached. Sri Lanka does not have a deliberative authority where people could get involved in the decision making process and the existing political environment is hostile towards the RTI. Dr. Edirisinghe stated that there was a belief that information was power and if given, the power would be lost; This was incorrect, since if information was given everyone would be strong.

Dr. Edirisinghe, giving an example stated that, in 2000 there was media speculation about a Consumer Protection Bill. As this Bill was not available he had contacted the Ministry of Trade and requested for a copy, when a senior official had refused stating that it was a 'secret' until approved by the cabinet. Dr. Edirisinghe emphasized that this showed the unwillingness of the government to engage in any dialogue with an individual.

Dr. Edirisinghe further stated that the Constitutions of 1972 and 1978 suffer from the same fundamental flaw of executive dominance where power was concentrated in one institution with no provisions to strengthen people, which made it difficult to have openness. This gave rise to the importance of having a RTI law.

Attempts to obtain RTI

This commenced with the 1994 election with emphasis on media reform.

- In May of 1995 the Mr. R.K.W. Gunsekera Committee recommended that there should be a Freedom of Information Bill and highlighted the basic principles.
- In 1996 Sri Lanka Law Commission headed by Mr. A.R.B. Amarasinghe prepared a draft Freedom of Information Bill. This draft was very conservative and fell short of the international best practices. The Law Commission conceded that this was not the most progressive draft.
- From 1995 to 2000 there was an attempt to introduce a new constitution, and improvements were made on freedom of speech and expression which included a right to information. However, the 2000 draft constitution was not introduced.
- 2002 – During the cohabitation government with Chandrika Bandaranaike Kumaratunga as the President and Ranil Wickramasinghe as the Prime Minister, the Free Media spoke to both parties in an attempt to introduce freedom of information. There were 2 Bills, one drafted by the government and the other by several organisations including civil societies. The government and civil societies had gotten together and a compromise 3rd draft was agreed upon. This was an improvement on the 1994 draft, though it still fell short of the international best practices.

The Government had certain concerns from a practical perspective. eg. Prime Minister had stated that he did not want all documents, papers and memoranda of parliament to come under the purview of Freedom of Information, as some ministers may be deterred from speaking about novel and unique ideas once they were aware that these copies could be obtained by the public. The civil societies conceded to these concerns.

The civil societies emphasized the practical problems of getting information, the right to appeal, Information Commissioner's powers of penalty, independence, ability to raise own funds. The government conceded to these concerns.

It was agreed by all parties to have a 2 year transitional period.

The compromise 3rd version was agreed upon in January 2003; however, the government collapsed thereafter. Accordingly, there was a reasonably good Freedom of Information Bill, which could not be introduced in Parliament. Dr. Edirisinghe stated that he believed this to be the last opportunity of introducing a RTI Law in Sri Lanka.

Dr. Edirisinghe further stated that the political culture in Sri Lanka has changed since then. ie. In 2004, 2005 there has been a different approach with emphasis on national security and prevention of separatism. This has resulted in a more stringent application of Prevention of Terrorism Act (PTA). In such an environment it was difficult to move forward with a Freedom of Information Bill which included the best practiced principles. He further stated that those who promoted the Freedom of Information Bill, now held two different views.

- 1) the Bill should be promoted until an Act is passed
- 2) lay the foundation for the RTI without introducing a Bill at present, since if the government introduces a Bill, it is likely to include a number of exceptions.

Dr. Edirisinghe stated that he agreed with the second view since he felt that it was better to not have a RTI Law than to have a weak Law.

Mr. B.A.S. Banagoda stated that LJSSS had carried out many activities for the betterment of the people raising awareness on a wide variety of matters. Upto now, the importance of RTI had not been dealt with by LJSSS and from now on RTI could be used as a focal point and awaress created, which would have to be done over a considerable period of time. He stressed on the importance of creating a network, where the emphasis should not be on passing the law, but on raising awareness.

Mr. Gunawardena stated that the public servants had been trained in a culture of secrecy. The Public Servants Code which provides how a public servant should relate to the public, provides that if a public servant provides any information to public likely to embarrass the government he is considered to have committed an offence. This prevents the outflow of information. Accordingly, it was important to work together with the officials to make them understand the importance of RTI.

Mr. Gunewardena stated that there was no one proven method of obtaining the RTI. In India many forces worked together towards this at the village and national level. He further stated that every aspect had to be in sync for RTI to function effectively. Even if the Law was passed, there needed to be a suitable political environment for the law to function well. Mr. Gunawardena agreed with Dr. Rohan Edirisinghe, stating that it was better to not have an Act, than to have a weak Act.

Mr. J. C. Weliamuna¹

RTI campaign in Sri Lanka and the Role of NGO's in spreading awareness about RTI in Sri Lanka



The purpose of this presentation was to look at the campaign to obtain RTI in Sri Lanka and the role that can be played by NGO's in spreading the awareness of RTI to the grassroots levels.

Mr. Weliamuna looked at the RTI with examples from India and Sri Lanka.

eg. 1. Sri Lanka

Four years ago a Parliament Committee was appointed to investigate a programme conducted by an NGO on the transparency of the Police. Two questions were asked.

- i. Under what power were the activities of the police investigated?
- ii. Why was funds accepted from Norway?

The answers given were;

- i. Anyone can investigate the police.
- ii. Norway had given funds to government and other institutions, and similarly the particular organization had accepted funds.

Mr. Weliamuna stated that in a democracy, parliament is an agency where the voters send agents to parliament to act on their behalf. However, once elected to parliament, these representatives overlook the fact that they are agents, and act as principles. This results in the voters who elected them having no rights.

eg. 2. India

Mr. Weliamuna stated that Ms. Aruna Roy, a renowned Indian social and political activist had stated at a conference organized by the Press institute and Editors Guild of Sri Lanka², that people in India thought they were crazy when activists asked for information, stating that they should be asking for food, medicine and shelter instead. Ms. Roy had further stated that just as much as she asked for accounts when her son returned from the market, she should ask for accounts when the government spends large sums of funds on various projects. Education was not important to have a RTI. Just as much as journalists needed information to carry on their work, ordinary people needed it to carry on their livelihood, for lands etc. RTI can be looked at from various angles and is essential for the progress of society.

Based on the Anti Corruption Index, countries that have a higher corruption rate such as Sudan has no RTI whereas countries that has less corruption such as Denmark, Hong Kong and Japan have RTI. As per the index, there are Human Rights violations in countries where corruption is high. Accordingly, there was a connection between RTI and Human Rights violations.

¹ Executive Director, Transparency International, Sri Lanka

² www.lankabusinessonline.com-9/12/2010

Mr. Weliamuna stated that RTI is concurrent to the fundamental rights of freedom of thought, conscience, religion, speech and expression.

Practical problems.

Mr. Weliamuna further stated that people should be able to demand for a RTI from the government and to demand there should be a discussion. Freedom is safeguarded if there is a discussion. It was important to have the freedom to speak against the accepted norms and opinions and about what the people needed. He stated that, RTI which is already in existence to a certain extent in Sri Lanka, needs to be taken further.

There have been a number of attempts to introduce a RTI Law in Sri Lanka, even though these attempts have unfortunately failed.

Mr. Weliamuna mentioned that subsequent to the conclusion of the war, articles have been published in papers to the effect that RTI was requested for by western countries, in order to obtain information on war, thereby distancing the true value of RTI from the people.

Mr. Weliamuna emphasised that Non Governmental Organisations (NGO) should take a more active role towards legalizing the RTI as NGO's have a wider representation among the population, by giving importance to RTI within the scope of the work carried on by their organizations.

Mr. Weliamuna concluded stating that he too believed that the foundation should be laid for RTI without moving forward with introducing a Bill at the present stage, since the political environment in Sri Lanka was not conducive to an effective RTI Law.

Mr. D.M. Leelaratna¹, requested for information on what they could inform the public to educate them on the RTI Law, if this was not the best time to have the law passed and Mr. Weliamuna responded stressing on the importance in empowering the civil society even though the time was believed to be not right. He was of the view that if the people were invested in and made believers, then when the time was right to have a RTI Law, people could be prepared for it.

Mr. Gunewardena commented on how Commissions of Inquiry have an adverse impact on the RTI and stated that Commissions appointed under the Commission of Inquiries Act in order to look into certain issues are established under conditions which were hostile towards the public's RTI. One of the problems being that under the Act the law demands that the Commission only give the report to the President. Hence there is express provision denying freedom of information. However, he mentioned that proceedings of the Commissions are conducted in public.

Mr. Gunawardena gave the example of the Commission of Inquiry appointed to inquire into the disappearance of boys in Trincomalee, where the government sabotaged the proper functioning of this Commission from within by not releasing funds, introducing Regulations, etc. where several officials in the Commission resigned prior to completing the inquiry.

¹ District Legal Co-ordinator, Badulla

Mr. B.A.S. Banagoda, stressed on the importance of working together to obtain the RTI, not to have the law enacted but to educate the public, which was more fruitful. He was of the opinion that those who didn't need the RTI were those who were corrupt and emphasised on the importance of understanding the forces against RTI.

Mr. Sajeewa Gunaratna¹, stated that LJSSS could educate the public on the importance of RTI. He further stated that if the policies were good, the public would embrace it and lend their support, especially when they realized that this right was important to them. He spoke of 2 sections in RTI, those who try to obtain information and those who try to conceal information preventing it from being exposed. Mr. Guneratne listed out 7 ways in which the RTI could be achieved.

- 1-know what is there*
- 2.identify the human and other resources*
- 3.recognise what is available and inform of what you know*
- 4. identify the obstacles*
- 5. devise ways to overcome obstacles*
- 6.share responsibilities and activities*
- 7. achieve the objective*

Dr. A. T. Ariyaratna stated that there were higher laws than the laws passed in parliament, which were religious laws. He mentioned that from Inception LJSSS has given priority to Buddhist philosophies and stated that when a person does some thing which has the force and backing of the people, over a period of time it becomes law. He requested that a hand out of be prepared on the need for RTI and be given to the people, making it a part of the law of the people.

During this presentation there was a high degree of participation by the participants, where they commented on the importance of the need to make the public aware of the RTI, without campaigning to have the law passed, as the time was not right as mentioned by both Dr. Edirisinghe and Mr. Weliamuna. Some participants expressed concern in educating the public in the light of the fact that it was not best time to proceed with the passing of the Law, however the speakers stressed on the importance of empowering the people by creating awareness.

¹ Attorney at Law

DAY 2

SESSION 5

Presentation on participants own experiences related to access to information at the provincial/district/village level (Group activity)

The participants were divided into 4 groups randomly, and were asked to present instances where they had faced problems without the RTI.

Group 1

- i. At village level development activities, authorities don't provide, and villagers don't ask for information for fear that it may stop the development process.
- ii. Difficulty in obtaining public documents-eg. Some land registries insist that the original owner be present to collect deeds.
- iii. Concealing of information – the death of a person from dengue was concealed, and an open verdict given for the cause of death, since the death occurred during an election and had the truth become public, it would have had an adverse affect on the election result.
- iv. Opinions – if a person has a contagious disease this fact is hidden due to the stigma of society.
- v. At a district level- the public is not made aware of the district development process / there is political interference.
- vi. National level -difficulty in obtaining public documents, concealing of information, secrecy in giving jobs, difficulty in getting examination results, difficulty in getting job interview results.

Group 2

- i. People are lethargic to get information and it is difficult to get correct information
- ii. Unaware of the correct institutions/ authorities to obtain information from.
- iii. traditional views and opinions held concerning obtaining of information.
- iv. conduct of various parties based on party politics
- v. Not recognize requirements of villagers and not give priority to them.
- vi. Corruption of funds utilized for development activities on a provincial level.
- vii, Though the government allocates funds at the beginning of the year, towards the end of the year development activities are rushed to be completed resulting in corruption and malpractice.



Group 3

- i. Fear of providing information – in the North and East the husband and wife give contradictory information
- ii. Information hidden to cover up malpractices and corruption. eg. houses built for those affected by the Tsunami were actually given to persons who were not included in the lists made public. When questioned, those in the original list who did not receive houses were told that houses would be given when built in future. When and where these houses were to be built is unknown.
- iii. Use of emergency regulations as a reason for not providing information.
- iv. Withholding of information when development activities are done without proper coordination



Group 4

- i. District officials require the written consent of the Provincial Secretary in order to obtain information of development activities from the Provincial secretariat, which results in having to spend a long period of time to obtain the information.
- ii. The problems of withholding information regarding the proposed liquor storage facility being built in the sacred city of Anuradhapura.
 - Building plans not being provided
 - unaware as to whether approval has been given to the proposed storage facility.
 - The persons who are expected to look into this matter are either not aware of how to obtain the information or do not care.
 - When requested for information the relevant the Urban Development Authority and the MC avoid taking the responsibility and do not provide the information.
- iii. Even though town improvement and road improvement projects are carried on according to the requirements of the villagers, priority is given to the politicians. When asked about the villagers' proposals not being carried out, the authorities refuse to provide information.
- iv. The social status and appearance of a person plays a role in obtaining information.
- v. Based on importance, provision of the information may be refused.

Based on the above, it can be concluded that the participants have faced problems in obtaining information concerning mainly village, district and national level development projects, matters of a personal nature such as examination results, job interview results, and where there has been corruption and malpractices. However, the public is also to an extent at fault as the problems in obtaining information is partially due to the various traditional opinions and lethargy of the people as specified above.

SESSION 6

Ms. Sohini Paul

Right to Information in South Asia with particular focus on India¹

The purpose of this presentation was to look at how RTI evolved in South Asia with particular emphasis on India, where the struggle to obtain RTI was not limited to the grassroots level as there was a move and interest to introduce the Act from the government as well.

The struggle in India began in the early 1990's. The government of India gave famine relief to drought stricken areas in Rajasthan by starting projects to give job opportunities for laborers to earn wages. However, the wages promised were not given to the villagers. The villagers got together and obtained copies of the master roll and it became apparent that their wages had been siphoned off by corrupt officials. They organized social audits and looked into it. For the social audit, lawyers, government officials and media personnel were invited. As the villagers were illiterate, various methods, such as muppet shows, plays, songs, were used to educate them of the importance of information. From 1995 to 2004, 9 states enacted RTI Law. Some of these laws were good while the others were not.

The Freedom of Information Act of 2002 never became operational. This Act was restricted to central governmental information.

In 2004, the present UPA Government was elected with promises to change the law. RTI advocates were on the National Advisory Council (NAC) and a RTI Bill was drafted. The NAC forwarded the draft Bill to the government and in 2004 government formed a parliamentary committee, which recommended a stronger version. This became law on 12th June 2005 and operational on 12th October 2005. The gap during the period was for preparatory work of setting up of the Information Commissioner and training the officials.

During this period the media played an important role of educating the public on the importance of RTI and how it was helping change peoples' lives.

Studies have shown that the number of RTI applications received have increased every year.

Ms. Paul stated that the RTI struggle was the 2nd freedom struggle for India and gave people rights which they would have not had without the RTI. She stressed on the importance of making people realize that they were being deprived of, by not being given information, and the importance of working from the grassroots to achieve this.

Ms. Paul further emphasized that the media should play an important role by reporting on RTI. India Today trained journalists to use RTI to get stories. As a result there were articles published on the amount of money spent on overseas travels by ministers. The government, during elections referred to the need to cut down on travels, and the use of

¹ Annexure 5

economy class when traveling. Similarly, a number of corruptions have been exposed by exercising the RTI and villagers have been able to receive what was rightfully theirs.

eg. 1) the village of Keolari in India has only three sources of potable water. One is an open well donated by a good Samaritan before his death. However his son encroached upon the public land around the well and built a wall. When reasoning and complaints made to the relevant authorities failed, the citizens through RTI discovered that records showed that the well had indeed been gifted and that the Panchayat had spent Rs. 11,600/- for renovating the well. The people filed RTI applications with the Tahsildar's office who ordered the Revenue Inspector to verify the allegation of encroachment which resulted in the encroacher demolishing the wall enabling the people access to the well.

2) The State Government of Madhya Pradesh in India, runs Indus Child Labour project to rehabilitate rescued child labourers which is funded by the International Labour Organisation (ILO). There were rumors that there was corruption, but none could be confirmed until the RTI Act was passed. In December 2005 citizens filed for copies of purchase orders for purchase of first aid kits under this programme. Records showed that 47 kits were purchased at the rate of Rs. 3,500/- per kit. When activists sought quotations for the same kit it was revealed that the costliest kit was Rs. 970/-. The activists complained to the ILO and the ILO recommended that an inquiry be conducted by the district administration, which found the supplier guilty and recovered Rs. 80,000/-. Subsequently, ILO revamped the project in collaboration with RTI activists.

3) Farmers in UK receive large amounts of subsidies to keep their products competitively priced, and this ultimately results in adversely affecting the farmers in the developing countries. Under the Freedom of Information Act the Guardian applied for names of the farmers receiving subsidies and the amounts of subsidies they received. This revealed that some 'poor' farmers included the Queen Elizabeth, Prince Charles, Nestle, Meadow Foods and Tate and Lyle.

From the South Asian countries, Pakistan has the worst RTI Law, which was enacted due to donor pressure, while the struggle in Bangladesh to obtain RTI was similar to that of India.

Ms. Paul concluded stating that, it was important to find within the government system those who were pro-transparency and to utilise their support to change the system.

Mr. Vincent Kanakarathne¹, asked Ms. Paul for information in relation to those who had worked towards the struggle to obtain the RTI, and how RTI spread widely in India; to which Ms. Paul responded that the awareness was mainly carried out by civil societies, media activists and NGO's who carried out public awareness campaigns and public education, where initially the struggle- pushed by dominant activists- was concentrated in Rajasthan with no vast network within the country, which subsequently spread to other areas.

¹ Sarvodaya Regional Coordinator

Mr. Kanakaratne was also interested to know if there were cases where people had been threatened when attempting to obtain RTI and Ms. Paul responded that around 9 individuals had been murdered. She gave the examples where, in Gujarat a RTI activist who questioned the corruption of a politician got killed in front of Court house, some applicants had been threatened in rural areas and told to withdraw their applications, and where some had been beaten up. However, Ms. Paul emphasised that it was important to support each other in obtaining RTI.

Ms. Sakuntala Rajamantri.

Experiences regards RTI from India

Ms. Rajamantri, who had the opportunity to visit India, with the objective of observing how RTI worked within the framework of the legislation, shared her experiences with the participants.

Ms. Rajamantri stated that representatives from South Asian countries received the opportunity of studying how RTI worked in India and sharing experiences. During this study it was apparent, that though the villagers in India were illiterate, they were active with the RTI since in many instances, the information they received through RTI was the answer to most of the problems they faced.

In India, every government institution has a public information officer and whenever a RTI application was made, information had to be provided as specified in the Act. Steps have also been taken to train government officials to work under the Act, which includes provisions for appeal.

Ms. Rajamantri stated that in India, the villagers show a keen interest on the development projects being carried on in their villages and request for information through RTI. All information including budgets was displayed in the offices, thereby giving villagers the opportunity to know information and to question. These villagers themselves have formulated their own systems on how activities should be carried on within the village.

The RTI works differently within the 20 States in India where certain States such as Rajasthan, Gujarat were very active with RTI, while other States such as Assam were not.

In conclusion Ms. Rajamantri stated that, as in every Law though there were practical problems, the RTI Act functions effectively in India.

Geethika Kumari, mentioned that it was difficult to obtain information and just as much as the participants in this workshop were not aware of the RTI, similarly the public at large too was not aware of the existence of such a right. She further stated that it was difficult to make the public aware of such a right, which makes it difficult to take this discussion forward. Ms. Rajamantri responded that even though, the literacy rate was low in some parts of India, the people knew that they had the RTI. The problems they faced varied from village to village and the people used the RTI to solve the various problems that they had. Ms. Rajamantri emphasized on the need to educate the public from the point of view of how RTI helps solve their problems, thereby connecting the RTI

with the problems of the people at the grassroots level, as this would make it easier for them to understand the importance of RTI.

SESSION 7

Local level advocacy on RTI – Action Plan

The Participants in the workshop were divided into groups as specified below and were requested to present their action plans. These groups were divided taking into consideration the fact that a more comprehensive action plan could be reached, targeting the needs of each group based on their specific area of expertise, as these groups represented specific segments within the community.

1. Deshodaya leaders
2. Sarvodaya Regional Coordinators
3. North & East
4. Legal coordinators
5. Lawyers
6. Journalists

1. Deshodaya leaders

- i Identify the resource persons at village level. (Gam Sabha)-Government organizations, NGO's, civil societies.
- ii Educate the resource persons about RTI
- iii Utilize methods to educate the public– hand outs, lectures, group meetings
- iv Create discussion groups (Mandapa) around Grama Swarajya Villages
- v Document the essential information at a village level and provide this to District Committees through the Provincial Advisory Committee.



2. Sarvodaya Regional Coordinators

- i Using the laws available, from a provincial level, motivate community members
- ii Conduct awareness raising workshops to the members – religious leaders, police personnel, Assistant Government Agents, political leaders from the districts.
- iii Prepare leaflets, posters on the RTI and provide these to members.
- iv Utilising the resource personnel, educate members at Deshodaya National Assembly
- v Have a method where advice could be obtained from lawyers interested in this subject and make these lawyers participate at the meetings at a district and national level.

3. North & East

- i Government institutions should provide information and provide clarifications to the questions raised by the people. Information can be provided through notice boards, leaflets.
- ii PTA should be abolished- people would feel free to provide information.

- iii Villagers at grassroots level should be made aware of human rights
- iv Awareness creating workshops should be conducted for NGO's and community leaders.
- v Information centres should be set up for each district at a regional and village level and a network established to coordinate with the various organizations.
- vi NGO's should divulge information about disbursement of funds and programmes carried out.
- vii Commissions should be established to submit complaints against various officials
- viii Discrepancies in information concerning crown land, widows should be rectified prior to provision of same to the public.

4. Legal coordinators

- i Obtain specialized knowledge of RTI. When something is taken to the public with proper training, the public tends to grasp the idea well.
- ii Use awareness raising methodologies -distribute leaflets, print t-shirts, stickers, slides in cinemas during films, priests can refer to this during dhamma sermons.
- iii Recognize various community group leaders and train them. Eg. Womens' Society, youth society etc.
- iv Build a dialogue among the relevant officials.

5. Lawyers

Aim – educate the public about the laws regarding RTI

Target groups-

- i. Youth groups-(societies), Youth Peace Brigade, Youth Services Society
- ii. Voluntary organizations (Village development society, Women's society, Sarvodaya Shramadana Society, religious leaders etc.)
- iii Government officials,
- iv Special community –differently abled

Awareness medium

- i Lectures
- ii Workshops,
- iii Handouts

Awareness methods

- i Make the public aware of the existing Laws
- ii How the law should change
- iii Educate the public about the importance of RTI

Target -Gather the public around the objective of passing the RTI Law.



6. Media

- i Educate the public of a need for RTI through articles.
- ii Obtain the assistance of the relevant organizations.
- iii Provide free legal services. When the media goes against the existing governments, party politics, they are isolated and require legal assistance.
- iv Make the government and private media organizations sensitive to RTI.
- v Appreciate the media for work done on important issues-Have award ceremonies to evaluate and encourage the work done.

- vi Have media coverage time.
- vii Use alternative methods-twitter, face book, street plays etc.
- viii Involve those who have various ideas about RTI in the media and have various discussion programmes.

In conclusion it can be stated that all the groups, while recognizing the importance of the RTI stressed on the following activities to be carried out in order to effectively take the RTI to the grassroots level.

-Identify the target groups of villages such as voluntary organizations, womens' societies, Village Development Societies, Youth Services Societies, Sarvodaya Shramadana Society, religious leaders, police personnel, NGO's and community leaders and educate them about the importance of the RTI.

-Through the above resource persons, educate the public of the RTI through leaflets, lectures, handouts, publicity campaigns such as printing of T-shirts, stickers, slides at cinemas, television programmes etc, and use of latest technology such as twitter, facebook.

-conduct awareness raising workshops in the village level to reach the grassroots level, and establish a network for proper co-ordination of all the organizations involved in creating awareness.

SESSION 8

Conclusion



Many countries have constitutional provisions guaranteeing the RTI. However, constitutional provisions on their own are not sufficient to guarantee the right of access to information. A legal framework is necessary in order to specify a process and clarify exceptions etc, which has given rise to the requirement of adopting specific laws referred to as 'freedom of information' or 'access to information' laws. Many countries, having adopted specific laws, adopt secondary legislation in order to enact the primary legislation. In addition to the above, internal codes of conduct and guidelines to lend further guidance to public officials such as Information Commissioners, can be adopted¹.

In conclusion it can be stated that as stressed upon throughout this 2 day workshop, it is important to have RTI in Sri Lanka as this would enable individuals to obtain their rights

¹ ©2003, Centre for Policy Alternatives (CPA), Colombo, Sri Lanka

and to solve their problems thereby ensuring democracy within the country and improving their living standards

End of the workshop

Mr. Bandula Senadeera¹, thanked the participants for their valuable contributions towards creating awareness of the importance of RTI. This workshop was the first step and it should be taken forward to grassroots level with the assistance of all organizations, including CHRI, FNF, LJSSS and SLSM. This process of RTI will enable the people to get any information they need from relevant authorities and thereby improve their livelihoods and resolve various personal and social issues. In essence, it will result in uplifting the lives of all Sri Lankans.

Prepared by - S.K. Fernando. LLB,
Attorney at Law.

¹ Director, Sarvodaya International Division

EVALUATION

CONSULTATION ON SECURING RTI LEGISLATION IN SRI LANKA

1) To the question on whether the workshop achieved its objectives in a satisfactory manner, 20 had stated that they were highly satisfied while 12 had stated that they were satisfied, and 3 had stated that they were somewhat satisfied. None had mentioned that they were not satisfied.

2) Each session was rated according to its usefulness in achieving the objectives of the workshop as specified below

Session	Very Useful	Useful	Somewhat useful	Not useful at all
I	15	11	3	0
II	19	8	5	0
III	26	7	2	0
IV	26	6	1	0
V	17	13	2	0
VI	22	11	1	0
VII	21	11	1	0

Based on the above it appears that all of the sessions conducted have been useful as majority of the participants had indicated that the workshop was very useful whereas none had indicated that it was not useful at all.

3) As none had indicated that the sessions were 'not useful at all' no suggestions for improvement were given.

4) On rating the usefulness of the resource material provided 16 had indicated that it was very useful, 8 as useful and 6 as somewhat useful. In relation to the copies of the lecture notes, 9 stated that it was very useful, 9 that it was useful and 7 as somewhat useful. None had indicated that it was not useful at all, while some had mentioned that it would have been valuable if copies of all the lectures were given.

5) The resource persons were ranked in terms of their knowledge levels:

No.	Name of resource person	Very knowledgeable	Reasonably well informed	Not well informed at all
1.	Mr. Ananda Jayasekara, TI-SL	21	12	0

2.	Ms. Gareesha Wirithamulla, TI-SL	22	10	0
3.	Dr. Rohan Edrisinha, CPA	27	5	0
4.	Mr. J.C. Weliamuna, TI-SL	28	4	0
5.	Ms.Sakunthala Rajamanthri-SLSM	21	10	0
6.	Mr. Sudarshana Gunewardena	19	12	0
7.	Ms. Michelle Gurung, CHRI	28	12	0
8.	Ms. Sohini Paul, CHRI	27	6	0

In terms of the above, it could be stated that the knowledge of resource persons was very high and the selection of resource persons for the workshop had been done in a constructive manner.

6) On the question of whether the workshop was interactive enough, 21 had mentioned that it was highly interactive and 11 had mentioned that it was reasonably interactive. None had mentioned that it was not interactive. Accordingly, it *could* be *concluded* that the workshop had been *largely* interactive.

7) The participants stated sessions 3, 4, 5 and 7 were highly interactive, and the group sessions were very useful as these helped them to share their knowledge with people who represented a cross section of the society. They wanted more of these workshops to be conducted for various different groups in the society.

8) On the overall rating of the workshop on a scale of 1 to 5, most have rated it 4 and 5, which indicates that the workshop has been *very* successful.

9). Everyone unanimously mentioned the need for a second workshop. This shows that the participants have become interested in the RTI and are eager to have a dialogue on the RTI

10). Comments/suggestions/criticisms/appreciation about the workshop.

- Organise more workshops such as this with a wider participation to have the RTI as stated in the International Convention on Human Rights applicable in Sri Lanka.
- Timely organized workshop
- It was important as we were able to share knowledge on RTI
- the workshop Changed our beliefs
- Organise more workshops with other organizations interested in the RTI
- Prepare and distribute a handout including all the information of this workshop.
- Proud of the brave step forward taken with this workshop
- Had chosen resource personnel who were knowledgeable
- Was able to create an impression on the participants.

Based on the above it can be stated that the workshop exceeded the expectations of the organisers and was extremely successful overall in achieving its objectives of making the participants sensitive to the need for a RTI Act in Sri Lanka and in formulating a future action plan for spreading awareness regarding RTI at the grassroots level. As all the participants had unanimously mentioned a need for a second work shop and stressed on

the importance of having more workshops in future with a broader participation, it demonstrates that the participants have become exceedingly interested in the RTI which is a novel concept to most of them. They also showed a keen interest in devising practical methods to take RTI to the grassroots level. It can be further stated that the participants have accurately grasped the importance of the RTI and the effect it has on the day to day lives of the people, and have thus become interested in learning more about RTI since they foresee the value of RTI in their specific areas of work.

Contact details of the participants who had provided same.

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Annexures

- Annexure 1** - International Standards
- Annexure 2** - International Evolution of Right to Information
- Annexure 3** - Basic Components of a Good Right to Information Law
- Annexure 4** - Transparency Provisions in local government laws in Sri Lanka
and the Constitutional provisions re RTI
- Annexure 5** - Right to Information in South Asia with particular focus on India
- Annexure 6** - Agenda
- Annexure 7** - Attendance sheet

Annexure 1

INTERNATIONAL STADARDS

- Universal Declaration of Human Rights, 1948
- The International Covenant of Civil and Political Rights, 1966
- The International Covenant on Economic Social and Cultural Rights, 1966
- The European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950
- The American Convention on Human and People's Rights, 1978
- African Charter on Human and People's Rights, 1981
- Commonwealth Principles, 1971
- The Johannesburg Principles on National Security, Freedom of Expression and Access to Information, 1995.