

**Recent Notable Developments in regard to Sri Lanka's RTI Act, 2024 – 2025**  
**[Right to Information Commission of Sri Lanka]**

## Overview

### 1. Brief introduction of the Commission

In 2015, Sri Lanka became the 68<sup>th</sup> signatory to the Open Government Partnership (OGP) shortly after the constitutional incorporation of a right to information (RTI) through Article 14A (the 19<sup>th</sup> Amendment to the Constitution) in 2015. Shortly thereafter, the Right to Information Act, No. 12 of 2016 (RTI Act) was enacted unanimously by the Sri Lanka Parliament on 4<sup>th</sup> August 2016. The RTI Act, together with the establishing of the RTI Commission (RTIC) on 1<sup>st</sup> October 2016, fulfilled one of the first OGP Commitments made by the Sri Lanka Government in 2016.

### 2. Monitoring of the Implementation of Laws

The RTIC functions under Section 11 of the RTI Act as a body corporate with perpetual succession and having a common seal. The RTIC is the main monitoring and enforcement authority as well as primary appeal hearing body under the Act and has issued Rules and Regulations *inter alia* determining fees for the release of information and the appeal procedure under the Act, as specified in the Right to Information Rules of 2017 (Fees and Appeal Procedure), published in Gazette No.2004/66 on February 03, 2017. The RTIC is further empowered to recommend disciplinary action against Information Officers whose actions violate the Act and has the power to prosecute persons who do not adhere to the decisions of the Commission. As of this date, 10 prosecutions have been instituted for non-compliance to orders of the RTIC under Section 39 of the Act in the Magistrate's Court (MC) against several Public Authorities (PAs), including Universities, Cabinet Ministers and Government Departments.

#### 2.1. Key updates on the implementation of right to information (RTI) access to information (ATI) law

##### 2.1.1. Context of implementation of the RTI Act

Section 3(1) of the RTI Act states that, subject to Section 5(1) of the RTI Act which details fourteen narrow exceptions all of which are subject to the public interest override (Section 5(4)), every citizen shall have a right of access to information which is in the possession, custody or control of a Public Authority (PA). The Act also covers security and intelligence bodies. The Act protects the information officer (as

well as other officers) from any consequences of carrying out his duties under the Act (Sections 30 and 40) and makes it an offence if any other officer refuses without reasonable cause to render assistance to the information officer when that assistance is sought.

Section 43 of the RTI Act defines “Public Authorities” broadly to include all constitutional and statutory bodies from Parliament, the Office of the President downwards with no exceptions, all educational institutions, the judiciary as well as non-governmental organizations (NGOs) and State-owned enterprises and private bodies which undertake public functions or operate with public funding.

The RTIC comprises five Commissioners who are nominated by independent bodies such as the bar council, the editors and civil society organizations, thereafter recommended by the Constitutional Council which is an apex constitutional body regulating key appointments to the judiciary, the public service and oversight bodies and finally appointed by the President of Sri Lanka.

***Statistics on appeals heard and determined by the Commission – 2025***

<b>Appeals heard by the Commission</b>	<b>Amount</b>
<b>Total Number of Appeals heard by the Commission during the year</b>	1413
<b>Number of Adjourned Appeals (including order reserved matters)</b>	217
<b>Number of Concluded Appeals</b>	1189
<b>Number of Appeals Lay by</b>	07

Additionally, the Commission continued its prosecutions of errant Public Authority in the Magistrate’s Court during this period.

***Cases Filed in the Magistrate's Court under Section 39 of the Act 2024 and 2025***

<b>Serial No.</b>	<b>Case No.</b>	<b>Commission Appeal No. (RTIC/Appeal)</b>	<b>Public Authority</b>
1.	20860/01/2024	1084/2019	Kattankudy Muslim Mosque Federation
2.	20861/01/2024	1084/2019	Kattankudy Muslim Mosque Federation
3.	22576/01/2024	1063/2023	Dehiwala-Mount Lavinia Municipal Council

<b>Serial No.</b>	<b>Case No.</b>	<b>Commission Appeal No. (RTIC/Appeal)</b>	<b>Public Authority</b>
4.	22577/01/2024	1063/2023	Dehiwala-Mount Lavinia Municipal Council
5.	22834/01/2024	1064/2023	Dehiwala-Mount Lavinia Municipal Council
6.	22835/01/2024	1064/2023	Dehiwala-Mount Lavinia Municipal Council
7.	25727/01/2024	333/ 2021	University of Kelaniya
8.	25728/01/2024	333/2021	University of Kelaniya
9.	27118/01/2024	855/2021	University of Vocational Technology
10.	27119/01/2024	855/2021	University of Vocational Technology

## **2.2. Major milestones and challenges faced**

The RTI Act continued to play a central role in establishing a culture of information disclosure to ensure transparency and accountability amongst Sri Lanka's Public Authorities during the period under review.

In September 2023, the RTI Act and the work of the RTIC was assessed by the International Monetary Fund (IMF) in its recent Governance Diagnostic Report issued in the context of Sri Lanka's debt restructuring as an 'outstanding example' of transparency. The IMF has called upon the Government of Sri Lanka to strengthen the capacity and competencies of the Commission and not to enact future laws that will strip the Act of its effectiveness and emphasized the need for policies and rules around anti-terrorism, and-corruption and privacy laws not to shut out the reach of the Commission. The Commission has moreover been recommended by the IMF to exercise oversight over the proactive release of procurement data by the Ministry of Finance.

However, several challenges remain in so far as the RTIC is concerned. Primarily these challenges are to ensure the financial independence of the RTIC in operating its own account as well as the freedom to recruit its own staff as required in law but is undermined practically at several levels. Currently the procedure involves multiple government approvals of key staff positions, delaying of approval of relevant schemes of recruitment as well as consistently poor remuneration of Commissioners and staff which has downgraded the appeal body and resulted in severe staff shortages.

Budgetary constraints of the RTI Commission directly impact the efficacy of its functioning and need to be urgently addressed through a) the direct channeling of funds to the Office of the Commission in term of Section 16(1) of the RTI Act and b) increase in the budgetary limits. Out of 35 approved cadre, only 11 staff officers presently serve at the Commission, most particularly only 1 legal officer and 3 legal assistants.

Where implementation of the RTI Act among Public Authorities is concerned, the RTI Act imposes obligations of ‘Proactive Disclosure’ on Public Authorities under Sections 08, 09 and 10. Section 8 requires voluntary release of information in relation to salaries of public officials, details of recruitments to Public Authorities, internal policies, government structures, proposals and so on. Section 9 imposes an obligation on Ministers to publish details of projects above a particular monetary value, most particularly regulatory and environmental approvals three months before the commencement of the project. Section 10 details that Public Authorities must forward their reports of compliance with the RTI Act to the RTIC each year.

The compliance by the Government of Sri Lanka has been extremely poor in respect of all these mandatory statutory requirements since the Act was operationalized in 2017, demonstrating lack of state will towards the core objectives of access to information.

### **3. Relevant Law Cases and Resolutions**

#### **3.1. Notable cases**

Under Section 34 of the Act, any citizen or Public Authority aggrieved by the decision of the Commission may appeal to the Court of Appeal within one month of receiving the decision. At the end of 2024, 36 appeals are pending before the Court of Appeal in this regard filed primarily by Public Authorities challenging decisions of the Commission. In previous such appeals, the appellate courts have upheld the decisions of the RTIC in reinforcing principles of transparency and accountability.

In the *Institute of Chartered Accountants of Sri Lanka vs. RTIC & Others (CA/RTI/04/2022)* decided on 06.03.2025, the Court of Appeal affirmed the decision of RTIC directing the Institute of Chartered Accountants of Sri Lanka to disclose information to a complainant alleging fraud and misappropriation of RS. 20.7 Million. The Court noted that the information is issue in this matter was ‘essential’ for the information requestor before the Commission to exercise his right to a fair hearing and crucial for maintaining accountability and trust in the system, and disclosing the names of the ethics committee would not violate their rights and privileges and releasing the information would have no any adverse effect to the functions of the ICASL, it was ruled. It has broadened the scope of the applicability of the RTI Act, by affirming the position that an information requestor is entitled to receive information regarding a complaint of alleged financial fraud and misappropriation at a Public Authority.

In *K.A. Rohandeera and Dhammika Dassanayake Vs. Chamara Sampath and others (CA/RTI/0004/2021)* the Court of Appeal on 28.02.2023ruled that the RTI Act No. 12 of 2016 prevails over the Declaration of Assets and Liabilities Law, No.1 of 1975 and upheld the decision of the RTIC in favor of a journalist who had requested a list of MPs

who submitted their asset declarations from 2010 to 2018. The Court of Appeal affirmed the right of the public to know if MPs comply with asset declaration laws and underscored the role of the RTI Act in promoting transparency and accountability.

In *Litro Gas Lanka Limited and other vs. W.K.S. Karunaratne and others (CA/RTI/REV/08/2022)* the Court of Appeal on 12.02.2024 affirmed the decision of RTIC requiring Litro Gas Lanka Limited and Litro Gas Terminal Lanka (Private) Limited, Sri Lanka's largest supplier of cooking gas to disclose details of the monthly salaries and allowances of their top management, including loans and interest owed, rejecting grounds of commercial interests, trade secrets, and privacy. This was deemed to be in public interest; particularly in light of substantial salary increases aimed the financial crisis in 2022. Despite privacy concerns, the public interest in transparency regarding public funds prevailed. The judgments emphasized the role of RTI Act in enabling citizens to hold the state accountable, dismissed Litro Gas's claim of the requester's malicious intent and affirmed that citizens do not have to provide reasons for requesting information.

In *Bank of Ceylon Vs Right to Information Commission and other (CA/RTI/REV/05/2021)*, decided on 12.02.2024, the Court of Appeal upheld the decision of RTIC to disclose information of candidates who sat for a competitive examination conducted by the Department of Examinations to recruit Trainee Staff Assistants to the Bank of Ceylon, dismissing the integrity. The Court ruled that the disclosure related to public activity and interest, emphasizing that the concerned citizen represented broader public interests.

In *Sri Lanka Ports Authority Vs. A A M Rifthi Ali (CA/RTI/07/2022)*, decided on 10.05.2024, the Court of Appeal agreed with the decision of the RTIC that the Sri Lanka Ports Authority (SLPA) had to apply the fee schedule prescribed by the Commission (in Sri Lanka Rupees) and not its own tariff schedule (in USD) when charging for information to be released under the RTI Act. This was based on the Commission and the Court finding that there was a lack of mandatory Ministerial approval for SLPA's tariff schedules.

In *People's Bank vs. Right to Information Commission (CA/RTI/09/2023)*, decided on 26.11.2024, the Court of Appeal upheld the decision of RTIC to disclose the information pertaining to the expenditure incurred in connection with the 2022 "Poson Poya almsgiving" and the "Poson Bathi Gee" event organized by the Buddhist Society of the Anuradhapura Regional Branch of the People's Bank, dismissing the refusal of those information on the grounds that the information sought constituted 'third-party information'. The Court ruled that the disclosure of a name or the identity of an institution to which the Bank has directed payments from public funds does not, in itself, constitute an unwarranted invasion of privacy of the 3<sup>rd</sup> party and such information relates directly to the use of public resources, which is inherently subject to public scrutiny. Public institutions operate under the principle of accountability and their

expenditures should be transparent to ensure that they adhere to legal, ethical and financial standards.

***Sri Lanka Telecom PLC Vs. RTIC & C.J.Wijewardena (CA/RTI/02/2023)***, decided on 03.07.2025 illustrates the need for transparency on the part of PAs in regard to of legal expenses. The Court of Appeal upheld the decision of RTIC to disclose the information of detailed breakdown of legal fees paid by Sri Lanka Telecom PLC a listed company deemed a public authority regarding specific RTI appeals which Sri Lanka Telecom refused to disclose this information, citing Section 5(1)(f) of the RTI Act, claiming legal professional privilege and fiduciary confidentiality. The Court ruled that transparency in the use of public funds outweighs generic claims of confidentiality. In this Sri Lanka Telecom failed to demonstrate that disclosing the fee breakdown would cause specific, real harm. The case strengthened the principle that public authorities cannot use confidentiality to hide expenditures and that financial information, including legal fees, is subject to disclosure under the Sri Lankan RTI regime.

In ***Sri Lanka Telecom PLC Vs. RTIC & G.Surendran (CA/RTI/03/2023)***, decided on 03.07.2025 the Court of Appeal upheld the decision of RTIC to release certain information relating to Mr. Priyantha Fernandez's foreign business travels from 2010 to 2019, including approvals and expenses, holding that Section 5(1)(a) and Section 5(1)(g) of the Right to Information Act, No. 12 of 2016 was not applicable to bar the release of the information. Section 5 (1) (a) was opined to be limited in its application to information that is considered private and sensitive, such as health records or personal financial details.

In ***Sri Lanka Telecom PLC Vs. RTIC & G.Surendran (CA/RTI/04/2023)***, decided on 03.07.2025 which was argued together with above mentioned RTI-0002/2023 and RTI - 0003/2023; the Court of Appeal upheld the decision of RTIC to release certain information relating to the selection process for the General Manager position in Data Centre and Cloud Services, including names of candidates applied for the GM/Data Centre & Cloud Services position for which the applications were called as per Acting CEO circular 2/2018 (issued on November 5th, 2018), interview panel members, expert assessors, scoring details, and reasons for selecting a particular candidate, dismissing protection sought by the Public Authority Petitioner under Section 5(1)(a) and Section 5(1)(g) of the RTI Act. Further the Court upheld the fact that the duty incumbent on the Public Authority in the wider public interest to maintain transparency and accountability in its recruitment procedures and practices in line with the preamble of the RTI Act. The Court took the view that the RTI Commission, as a quasi-judicial authority, was correct in maintaining uniformity in its decisions in similar cases.

In ***Hewa Baddage Gunaratne v Education Department (Uva Province) (CA RTI 01/2020)*** decided on 26.11.2025; Court of Appeal affirmed the decision of the RTI Commission, rejecting an appeal filed by Hewa Baddage Gunaratne in relation to information connected to his pension and related matters from the Department of

Education in Uva Province. The Court noted that; before the Commission, the Department of Education had stated that they had released the information in its possession, including his letter of retirement and other documents relevant to his pension were held by different public authorities. The RTIC had recorded this position and concluded that no further information remained to be released by the Department of Education and nevertheless directed that an inquiry be held into the delay in responding to his request. That inquiry was conducted, and action was taken against the officer responsible for the delay, with the inquiry report sent to him. Accordingly the Court affirmed that in the circumstances, the Court has no reason to interfere with the decision of the Commission, affirming that the RTIC had acted within its mandate in concluding the matter and directing an inquiry into the delay.

#### **4. Events**

##### **Engagement with the Public Authorities, Civil Society Organizations (CSOs) and the Public – 2024/ 1Q, 2025; Emphasizing Proactive Disclosure**

###### **General Advocacy**

During 2024 and 2025; the Commission continued consultations across all provinces for Public Authorities with particular emphasis on training Information Officers. Advocacy programs were conducted with citizens and the media in the Southern, Central and Northern provinces with the collaboration of Sri Lanka's National Civil Society Organizations (CSOs).

###### **Proactive Disclosure**

During 2024, the Commission continued consultations with senior officials of the Presidents' office, Prime Minister's Office, and Cabinet Ministries after commencing an island wide training for Public Authorities on adherence to proactive disclosure obligations under Sections 08, 09 and 10 of the RTI Act. These consultations particularly focused on the imperative duty of Ministers under Section 9 of the Act to, 'communicate, three months prior to the commencement of such project, to the public generally, and to any particular persons who are likely to be affected by such project all information relating to the project that is available with the Minister (Section 09). This duty applies to foreign funded projects above, one hundred thousand rupees United States dollars; and locally funded projects above five hundred thousand rupees.

###### **Gender and RTI**

RTI Commissioner Kishali Pinto-Jayawardena advised and guided a series of advocacy workshops '*How Sri Lankan women have used RTI*' with a team of independent legal

researchers across the Central, Eastern, and Northern Western Provinces from May–October 2024 interacting with over 50 community groups with active female participation and resulting in a publication titled *Breaking Barriers: ‘Woman and Right to Information in Sri Lanka’* (2024: edited by Ashwini Natesan, advocate and independent researcher). This was rooted in advancing Sustainable Development Goal (“SDG”) 5 (Gender Equality) by empowering more women to actively participate in governance through the RTI Act, giving them the tools to advocate for their communities. These initiatives emphasized overarching institutional transparency and public accountability, reinforcing SDG 16 (Peace, Justice, and Strong Institutions) i.e institutional transparency through public access to information. As the author has noted, ‘these efforts evidence that RTI not only uplifts individual lives but also promotes systemic change, advancing the goals of poverty reduction, social equity, and sustainable development.’

## 5. Key Takeaways

### 5.1. Critical insights

During this period, the use of the RTI Act by Sri Lankan citizens continued to be as vigorous as in previous years. Information requests continued to be filed to the Office of the President, the Office of the Prime Minister, the Office of the Cabinet of Ministers, key national entities and several other prominent state sector enterprises including banks regarding matters ranging from the use of funds by presidents downwards for local and overseas travel to procurement procedures and recruitments and promotions of employees. Parents filed RTI requests asking information on admission of children to schools in a background where the admission process is allegedly manipulated by corrupted officials (i.e. bribing of principals and influencing by politicians to prefer one child over another negatively affecting meritorious child). Teachers filed RTIs to check on recruitments, promotions and dismissals in the context of alleged unfair misuse of procedures; citizens filed requests in regard to information on disbursements of school funds etc.

The employing of the RTI Act against non-state entities, including private banks, private media companies (television) and private insurance companies became more pronounced in 2024 and Q1 2025, testifying to an important expansion of the Act beyond Government entities. Where universities and educational institutions are concerned, the subject-matter of requests to universities largely concerned relating recruitment, promotion etc.; investigations or enquiries conducted within universities; details of students enrolled, examinations and examination scripts, amongst others. Information requests have been made by the concerned person as well as third parties. Assessment criteria for appointments of Vice Chancellors, recruitments and promotions of university staff, appointment letters and description of payments made to staff, *inter alia* have been directed to be released.