

Sri Lanka's Right to Information Act: A Legislation to Deny the Right

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The right to information in Sri Lanka was formally constitutionalized by the 19th Amendment to the Constitution. The government passed the Right to Information Act No.12 of 2016, claiming to give effect to this constitutional right. This study discusses the impact of this Right to information Act which has sweeping provisions to deny the access to information. The Supreme Court determination on the constitutionality of the case is also critically discussed. The Act was analysed by adopting doctrinal research methodology/black letter approach and used case judgments and statutes as primary sources, and books, articles and other relevant materials as secondary sources. According to this Act, this right is vested in citizens against public authority. On the other hand, it provides for avenues to deny the right to information, duties of the ministers and public authorities, establishment of the Right to Information Commission, appointment of information officers, procedure for gaining access to information, appeals against rejections and some general provisions such as offences, regulations etc. This right is also recognized in India and Canada, where there is a rich resource of judicial pronouncements. The several exceptions to the right as provided in the Act are encompassing and include national security, defense and territorial integrity. Serious prejudice to economy is an exception that can even extend to the extent of repudiation of the sole purpose of the right. It can be concluded that contrary to the claims that the Act protects the right to information, it is designed to make severe restrictions on the right of access to information.

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