

Empowering people with information: Civil society advocacy experiences



Commonwealth Human Rights Initiative
working for the practical realisation of human rights in the countries of the Commonwealth



**TRANSPARENCY
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Commonwealth Human Rights Initiative

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international non-governmental organisation, mandated to ensure the *practical* realisation of human rights in the countries of the Commonwealth. In 1987, several Commonwealth professional associations founded CHRI. They believed that while the Commonwealth provided member countries a shared set of values and legal principles from which to work and provided a forum within which to promote human rights, there was little focus on the issues of human rights within the Commonwealth.

The objectives of CHRI are to promote awareness of and adherence to the Commonwealth Harare Principles, the Universal Declaration of Human Rights and other internationally recognised human rights instruments, as well as domestic instruments supporting human rights in Commonwealth member states.

Through its reports and periodic investigations, CHRI continually draws attention to progress and setbacks to human rights in Commonwealth countries. In advocating for approaches and measures to prevent human rights abuses, CHRI addresses the Commonwealth Secretariat, member governments and civil society associations. Through its public education programmes, policy dialogues, comparative research, advocacy and networking, CHRI's approach throughout is to act as a catalyst around its priority issues.

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Empowering people with information: Civil society advocacy experiences

(Adapted from *Open Sesame: Looking for the Right to Information in the Commonwealth*, the 2003 Report of the International Advisory Commission of the Commonwealth Human Rights Initiative)

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I welcome the growing influence of civil society in the public debate on human rights. Civil society is being called on to participate in new approaches to solving global problems...Clearly the many challenges to human rights will not be fully addressed without mobilising the energies of all parts of society.

Mary Robinson, Former UN High Commissioner for Human Rights, 2002¹

From Jamaica to Zambia, from Bangladesh to Vanuatu, the spur for open government has most often come from civil society. Whether working at the grassroots to support demands for economic justice, exposing scandals that save nations millions of development dollars, helping governments to craft open-door policies and laws, or collaborating across jurisdictions to change the functioning of remote and closed international financial and trade institutions, civil society's successes are sources of inspiration as well as practical ideas for other groups across the world. This has particularly been the case in South Asia. In Bangladesh, Nepal and Sri Lanka, the push for legislation has come prominently from civil society. In India, civil society ran one of the most successful campaigns for an access law anywhere in the world, with civil society recommendations being incorporated throughout the Right to Information Act. In Nepal, civil society members of the drafting committee played a prominent role in influencing the final shape of the access law.

Experience can be drawn from many different groups and causes. Some advocates can be found pushing for openness from high-level policy positions within the World Trade Organisation and the International Monetary Fund. Others work in small, remote and unlettered communities where local government responsiveness is a challenge. Some narrowly confine their focus to prising open single institutions, like the World Bank, which, as it gradually gains ground towards transparency, has also sometimes been an unlikely ally in cajoling secretive governments to open up and consult more with its citizens as part of the terms on which loans are

granted. Others strive to mobilise large numbers of people into the critical mass of public opinion needed to force closed governments to function more openly. Innovations, tactics and strategies used in the battle towards realising a guaranteed right to access information are varied and unique, but experience has shown that lessons learned and best practice approaches from different jurisdictions can be utilised to inform domestic campaigns.

ADVOCACY EXPERIENCES

Access campaigners typically come from groups engaged in good governance and human rights. Some campaigners work specifically on recognition of the right to information as an essential goal in itself and a singular means by which overall government functioning can be improved. On the other hand, open media groups, anti-corruption campaigners, environmental action organisations and the like have all joined forces to demand the right as part of their more specific interests. For example, the Access Initiative globally promotes access to information in support of its primary objective of openness in *environmental* decision-making.² Similarly, in India, Parivartan, a Delhi-based citizens group, began its work as an anti-corruption group focused on providing relief to tax payers from extortionist corruption in some government departments. Parivartan soon realised however, that their approach would neither bring about systemic changes nor empower citizens. As a result, Parivartan shifted its focus to utilising the Delhi Right to Information Act³ to get public grievances resolved, including examining why development works were not properly executed, tracking the processing of public complaints and scrutinising the provision of sanitation services to citizens.

Donors - Friend or Foe?

Donors are increasingly making transparency a condition of loans and assistance. This approach was used in Ghana, where the national Poverty Reduction Strategy, developed in consultation with the World Bank, required that a freedom of information law be adopted by 2004.⁴ In Pakistan as well, the Freedom of Information Ordinance 2002 came about as one of the policy actions attached to an Asian Development Bank loan. The promulgation of the Right to Information Ordinance by the erstwhile care-taker government as the Asian Development Bank insisted on this reform measure amongst others before disbursing a big loan. In Sri Lanka humanitarian aid agencies have spoken in favour of greater transparency in relief distribution and rehabilitation efforts plagued by allegations of corruption. Consideration could be given to lobbying donors to prioritise the enactment of a right to information law in Sri Lanka in support of good governance and anti-corruption activities.

Although sometimes useful allies, aid agencies and multilateral organisations have also become key targets in the campaign for greater transparency. Their budgets are huge and their interventions often influence domestic national political and economic agendas. Their distant decisions impact millions, but

they often cannot be questioned by the populations most affected. Advocates have been alert to ensure that these powerful entities do not slip under the radar simply because they perceive themselves as answerable only to their own mandates and member country governments, rather than the citizens of countries where they have a presence. Groups such as the Bank Information Centre⁵ and the Bretton Woods Project⁶ closely monitor developments in international financial and trade institutions and push for greater transparency, accountability and citizen participation, in particular, through providing greater public access to information. In February 2003, a group of activists from five continents met to further their ability to work together and set up the Global Transparency Initiative, an informal network aimed at tackling the secrecy surrounding the operations of these international bodies.⁷

Working together....

Campaigners working together have shown that the whole can be greater than the sum of its parts. There is strength in numbers. Solidarity amplifies voice, brings in diversity, harnesses a breadth of expertise and increases audience reach. Formal coalitions are often organised, as are loose networks or event and opportunity-specific campaigns. In India, the National Campaign for People's Right to Information (NCPRI) was founded with the primary objective of campaigning for a national RTI law. Its founding members included social activists, journalists, lawyers, professionals, retired civil servants and academics.⁸ The presence in the NCPRI of senior and respected media persons, serving and retired bureaucrats, and members of the bar and judiciary made it a very influential campaigning body. The NCPRI played a crucial role in the process of evolution of the RTI law in India. Similarly, the Campaign for Freedom of Information in the United Kingdom is a formal coalition of almost ninety members and has become a formidable resource and critic of the United Kingdom's information laws. In Ghana, a coalition of NGOs has been formed to push the government to create access laws, even while each NGO separately promotes the right to information through their own constituencies. That so many different interest groups join hands so willingly highlights the value placed on the right to access information by all of society.

Networks have not been limited to single countries. As the momentum for access to information laws has gathered across the world, groups working in isolation have evolved to work collaboratively across provincial, national, regional and international levels. For example, ARTICLE 19 and the Commonwealth Human Rights Initiative, both international NGOs, successfully partnered with the nationally-based Consumer Rights Commission of Pakistan and Sri Lanka's Centre for Policy Alternatives to produce a reference report on the state of freedom of information in South Asia. The findings and recommendations were then promoted to governments and civil society at two international conferences in the region.

Coalitions internationally and domestically

Worldwide, many of the challenges that advocates are grappling with are common across national and regional boundaries. Recognising this, a group of advocators of transparency and openness in the State sector formed the web-based Freedom of Information Advocates Network. The Network is focused on facilitating information between organisations and countries, including freedom of information news and developments internationally and nationally, updates on projects, research papers and draft bills. The Network has been active in celebrating Right to Know Day, 28 September, in countries throughout the world. More information can be found at www.foiadvocates.net.

In India, activists have long appreciated the usefulness of campaigning together. In 1996, social activists, journalists, lawyers, professionals, retired civil servants and academics came together to form the National Campaign for People's Right to Information (NCPRI) with the prime objective of carrying out advocacy on the right to information at the national level. Later email-savvy supporters of the right to information set up the web-based discussion group HumJanenge (the Hindi for- "We Will Know") covering national as well as state level issues relating to transparency. More information can be found at <http://in.groups.yahoo.com/group/HumJanenge/>

Humjanenge serves as a platform for sharing experiences, discussing problems and coming up with strategies for tackling deficiencies in the law and its implementation, as well as for coordinating activities to promote the right to information. More email discussion groups namely, RTI_India and RTI4NGOs with national and international membership have come up in recent years to monitor and report on the performance of public authorities vis-à-vis India's Right to Information Act. These on-line forums have been a very useful way for drawing together people from diverse backgrounds and locations to pursue a united campaign for the effective implementation of the RTI Act.

At the South Asia level RTI advocators from Bangladesh, India, Pakistan and Sri Lanka came together in 2007 to form the South Asia Right to Information Advocates' Network (SARTIAN) – an e-group focused on exchange of knowledge and advocacy experiences on issues related to people's right to information in each country. More information can be found at <http://groups.yahoo.com/group/sartianetwork>

South Asians for Human Rights (SAHR) is a democratic regional network with a large membership base of people committed to addressing human rights issues at both national and regional levels in the South Asian region. Members from Bangladesh, Nepal, Pakistan, Sri Lanka, Maldives, Afghanistan

and India are advocating for the adoption of common standards for transparent and accountable governance across the region. More information can be found at <http://www.southasianrights.org/history.htm>

Networks that include and represent diverse interests – from business to social workers, subsistence farmers to industrialists – are very valuable. Each interest group brings in a special perspective that informs and enriches the interventions they make together. Coalitions accommodate a diverse range of people and can lend support to voices that might otherwise be ignored. This enriches the contributions of the whole group. Thus, while the presence of business representatives in a right to information coalition might highlight the need for commercial confidentiality exemptions, the presence of illiterate villager groups might highlight the need for provisions that require government to provide essential information to citizens without being first requested. A common voice from so many different sources strengthens the messages being sent to government. In the long term, awareness seeded in varied communities also creates ready-made constituencies of users of access laws.

A larger group working together brings in more experience and human and financial resources, reduces the duplication of work and enables all to benefit from specialised expertise within the group. However, despite the obvious value of working together, coalitions and networks often falter because of their very variety. Handling diversity can be difficult. Deliberate efforts need to be made to develop trust, create a common means of internal communication and accommodate uneven capabilities and finances, as well as diverse interests, agendas, and timetables. Careful attention to these things has resulted in some spectacular successes.

Case Study: Networking - Open Democracy Campaign Group, South Africa⁹

In South Africa, civil society was deeply involved in developing the post-apartheid Constitution and was ready to promote the passing of access to information legislation. Shortly after the democratic South African government took office in 1994, it set up a Task Group on Open Democracy to draft an access to information law within three years, as required by the new Constitution.

A coalition of civil society organisations formed the Open Democracy Advisory Forum to work with the Task Group. Unfortunately, it floundered. It had tried to include too large and diverse a range of organisations, without the funding to underwrite the campaign. For many of the organisations, the issues involved were also probably too far removed from their primary agendas to permit them to devote sufficient attention or resources to the issues. Though the Forum disintegrated, a number of organisations

continued their involvement in the access to information law-making process.

In 1996, civil society organisations again rallied when the Parliamentary Information and Monitoring Service of the Institute for Democracy in South Africa (IDASA) brought together almost 30 organisations for a conference on civil society advocacy. Importantly, this meeting specifically recognised the importance of access to information to all future civil society activities and charged three organisations with analysing the - then stalled - Open Democracy Bill and designing a campaign to promote a strong law. This small coalition grew into the Open Democracy Campaign Group (ODCG), which included a diverse range of organisations concerned with social justice.

Over time the ODCG built relationships with the Task Group, parliamentarians (including the opposition) and committees considering the law. The ODCG took pains to provide constructive policy options, not just criticism. It developed a novel and useful technique for individual members' submissions to lawmakers. Termed the 'Twelve Days of Christmas' approach (because it drew upon the form of the Christmas carol which repeats previous lyrics as each new line is added), individual Group members quickly mentioned the chief points of previous submissions before their own detailed submission. This reinforced key points, as well as signalling their collective solidarity.

Differing priorities, varied political perspectives, conflicting views and diverse organisational cultures often resulted in slow progress with internal processes and communication. For example, large organisations such as COSATU, a giant labour federation, required time to endorse policy proposals, where small groups could quickly decide on their position. Fortunately, the slow pace of official deliberations on the draft Bill provided breathing space to meet regularly with a fairly steady group and create mutual understanding. Over time, the ODCG developed a high level of cohesiveness and trust, allowing individual constituents to focus on essential issues and overlook minor differences while working systematically on influencing the development of the law. The ODCG developed good information-sharing relationships that facilitated the convergence of perspectives on key issues. Its varied membership brought in a range of networks and connections and different sets of skills, interests and expertise. It also enabled in-house specialisation, as one or more of the ODCG would adopt one key issue and take the lead in co-ordinating research, policy formulation or lobbying.

...To Get The Message Across

The advent of new forms of information and communication technologies has brought with it many opportunities for advocates. Of course, older forms of media, such as radio, television and newspapers also continue to be relevant. Experience shows that radio is an excellent advocacy and awareness-raising tool because it is able to reach even illiterate members of the population. Coverage can extend to even the remotest regions, which has made it particularly popular in areas such as the South Pacific where inter- and intra-island communication infrastructure can be poor. The internet is also an increasingly useful resource. In many countries it is inexpensive to run (although the infrastructure may not be), increasingly accessible both in terms of physical access and training in its use (sometimes even by the poor through development programs specifically aimed at extending its reach) and can be controlled by the advocate, rather than being reliant on sympathetic journalists and media owners. In Bangladesh, a pilot programme called *“Abolombon-Empowering People through Improved Access to Information on Governance and Human Rights”* initiated by D-Net has demonstrated successes in mainstreaming information and communication technology (ICT) for poverty alleviation and economic development for the marginalised.¹⁰ D-Net is providing information about agriculture, health care, education, non-farm economic activities, employment opportunities, human rights and legal support, appropriate technology and disaster management to people living in rural areas through IT-enabled *palli tathya kendras* (village information centres).¹¹

The media has been a crucial resource for advocates because of its broad reach into the community and its ability to target a range of diverse interests, particularly politicians who dislike adverse press and are often prompted to respond to issues raised by the media that they would otherwise ignore. Experiences from coalitions, such as the United Kingdom’s Campaign for Freedom of Information, South Africa’s Open Democracy Advisory Centre and India’s Parivartan-Indian Express Campaign on Right to Know, demonstrate that successful media campaigns – where the media was primed to assist and could be used to arouse widespread public interest – usually resulted from careful cultivation of media contacts. Education campaigns have been specifically targeted at raising awareness in the media, and many advocates have drafted press releases and feature stories to make publication easier for journalists who may not be familiar with the issues.

Case Study: Media campaigning - The Parivartan- *Indian Express* Right to Know Campaign¹²

Parivartan is a Delhi based citizens' movement working on promoting just, transparent and accountable governance by utilising the right to information to assist underprivileged people to expose corruption, access public services and more effectively exercise their rights. In 2004, Parivartan teamed up with one of India's leading daily newspapers, *The Indian Express*, to start a joint campaign called "Tell Them You Know". The campaign formalised the earlier *ad hoc* approach whereby the *Indian Express* reported intermittently on Parivartan's right to information successes.

From 16 August 2004, the *Indian Express* Delhi edition carried daily stories of how common people used the Delhi Right to Information Act to bring about change in their lives and surroundings. The *Indian Express* also promoted the Delhi Right to Information Manch (forum), which was run weekly by Parivartan to bring users of the law together to share the problems and seek help from experts on what to do next. After the initial campaign, the *Indian Express* continued to work closely with Parivartan in 2005 to publicise the efforts of civil society to push for a national Right to Information Act and they continue to regularly publish stories on successful right to information campaigns. Later in 2006 Parivartan and a host of other RTI advocates launched the 'drive against bribe' campaign in collaboration with newspapers and TV channels with the slogan – "do not pay bribes, use RTI, RTI works faster than bribes". This 15-day campaign was launched in 55 cities and towns across India and led to thousands of information requests being filed under the national RTI Act.¹³ The campaign also highlighted the government's attempts to amend the RTI Act in order to take away its punch. Thanks to the mass awareness generation and mobilisation of popular opinion in favour of retaining the RTI Act in its current shape, the government was compelled to put its amendment proposals in cold storage.

While getting the media to *cover* a campaign is useful, the media has also often been a very active partner in national campaigns because the right to access information so directly affects their work. For example, the Zambian Independent Media Association was part of the coalition that proposed an alternate Freedom of Information Bill for the country. Likewise, in Sri Lanka, the Free Media Movement and the Editor's Guild of Sri Lanka were instrumental in developing their Freedom of Information Bill in 2003. In the Fiji Islands, groups concerned with proposed government restrictions on the media included a demand for freedom of information legislation as part of their advocacy efforts.¹⁴ Similarly, in Papua New Guinea, journalists' associations, trade unions, NGOs and students rallied together to criticise a media bill introduced by the government which sought to impose restrictions on the media and hamper the right to freedom of expression and information.¹⁵ In Bangladesh, leading dailies published articles on the importance of the right to information. Cultivating media owners and

individual journalists who evidence a commitment to the right, and co-opting them into any campaign can be a canny strategy.

From the grassroots...

Pull out quote: “[I]n itself, the issue of access to information does not have a natural constituency. What is required is to connect the issue with peoples’ daily pressing concerns, and ensure that people see their right to information in the broader context of their right to development.”¹⁶

In democracies – even weak and oppressive ones – public opinion matters. The same politicians who need to guarantee the right to access information are the ones who must also rely on public support at election time. At times the presence of a large mobilised group of citizens has proved to be an effective tool for pressuring those in power to take action and has acted as a counter-weight to bureaucratic resistance.

Civil society organisations have done much to encourage the public to demand the right to information. Public opinion has mobilised when the lack of the right has been shown to be connected to the difficulties and adversities that people face in dealing with government. India is one of the only places in the world where there has been strong grassroots mobilisation specifically around the issue of the right to information. No mobilisation of public opinion is perhaps as poignant or as powerful as that of very poor people fighting for their survival and recognising that access to information is not just an esoteric concept but critical to their very existence.

Case Study: Mass mobilisation - Mazdoor Kisan Shakti Sanghatan in India

Mazdoor Kisan Shakti Sanghatan (MKSS), a workers and farmers solidarity group works in Rajasthan, one of India’s less developed states. In the course of their efforts to get fair working conditions for daily-wage earners and farmers in the region, MKSS workers realised that the government was exploiting villagers. Not only were they being denied minimum wages, they were also not receiving benefits from government-funded developmental activities earmarked for the area.

Under the slogan ‘Our Money-Our Accounts’, MKSS workers and villagers organised themselves to demand that their local administrators provide them with an account of all expenditure made in relation to development work sanctioned for the area. The law relating to rural self-governing bodies (panchayats) provided a right of access to information to people. However in the absence of legal sanctions against refusal to disclose records, local officials, long-used to keeping villagers in a state of ignorance and never being questioned, dug in their heels and refused to provide the documents. MKSS resorted to peaceful mobilisation to increase the pressure to release copies of official records - they organised sit-ins, public demonstrations and hunger strikes. While there was resistance at all levels, little by little, as the

pressure continued and the media began to take notice, the administration relented and eventually provided the information requested.

MKSS used the information disclosed to organise 'social audits' of the administration's books. They organised public hearings to see if the information in the government's records tallied with the reality of the villagers' own knowledge of what was happening on the ground. Not surprisingly, it did not. At every public hearing, a description of the development project, its timelines, implementation methods, budget and outputs would be read out along with the record of who had been employed, how long they had worked and how much they had been paid. Villagers would then stand up and point out discrepancies – dead people were listed, amounts paid were recorded as being higher than in reality, absent workers were marked present and their pay recorded as given, and thumb impressions that prove receipt of payments were found to be forged. Most tellingly, public works like roads, though never actually constructed, were marked completed in government books.¹⁷

Though many villagers were illiterate, through face-to-face public hearings they could scrutinise complex and detailed accounts, question their representatives and make them answerable on the basis of hard evidence. Local officials reacted badly. Determined to undermine the people's campaign for accountability, they appealed to class, caste and clan loyalties and even resorted to threats and violence.¹⁸ But the campaign persisted and eventually was successful in getting local officials to admit to corruption. Some officials returned misappropriated public funds and, in one case, an arrest was made for fraud.

Following this success, more and more people mobilised to hold similar hearings and this reached the state capital as a demand for an access to information law. Public pressure grew as the local and national media covered the campaign extensively. The government eventually issued administrative orders implementing the right to get copies of local records. The main opposition party promised in its manifesto to create a state level law that would guarantee the right to access information. In power, however, they took three years to bring it on the books, and even then in fairly diluted form. After a State Act was passed, MKSS continued to push for national legislation, and was instrumental in bring pressure on the Central Government to pass the new national *Right to Information Act 2005*.

Beyond the issue of sheer survival, the public has mobilised to demand systemic changes to open up government when issues which have caught their attention at critical moments. Scandals involving corrupt use of public money or deliberate government fabrications have created public outrage and an outcry for more transparency and accountability, the adoption of laws that will ensure this and repeal of older legislation like the Official Secrets Acts.

The simple presence of the right person at the right time has been known to win the day. In the state of Maharashtra in India, the government had let its access laws lapse and failed to frame its rules. Several government initiatives to reform and review the Act had come and gone, but no progress was being made, despite promises of implementation. Anna Hazare, a well-known and respected campaigner against corruption and abuse of power, decided that enough was enough. He came to Mumbai, Maharashtra's capital, sat down in one place, and declared that he would fast there like his mentor Mahatma Gandhi until the government operationalised the right to information law. His moral credibility struck a chord with the public and whipped up the support of tens of thousands of people. A coalition of NGO supporters kept the issue in the media and liaised with government on his behalf during the fast. Four days into his ordeal, the Deputy Prime Minister of India cleared the draft state Right to Information Bill, which had been sitting idle for almost six months, and on the very same day the Indian President signed it into law. In a country not known for the speed of its bureaucratic processes, by the next day, the State Governor had the statute published in the official gazette.¹⁹ One person can make a difference!

...To the policy level

Successful advocacy has relied on both generating demand at grassroots and creating a willingness to change within political circles and the bureaucracy. Advocates have used a multiplicity of methods whenever and wherever opportunities have arisen. Many successful efforts have concentrated on engaging with law-makers. At the end of the day, it is parliamentarians who will need to take action to make the right a legally enforceable reality.

'Government' is so habitually remote from people that it is often perceived as a monolith made up of faceless, powerful people banded together to uphold 'the State' against all – especially the individual citizen. In fact, bureaucrats and politicians often have very different agendas and interests, with different hues of opinion and belief, and each individual can be an ally or an adversary. To maximise chances of success, serious energy needs to be devoted to understanding who in the political spectrum is most likely to support freedom of information and act as a conduit for civil society's views.

Successful campaigners have striven to develop relationships of trust and reliance with as many policy-makers as possible. Where the power imbalance between the ruling elite and the common person is very pronounced this can be hard to do; sometimes it is not within the culture to engage as equals, let alone question the wisdom of rulers. However, except in the most recalcitrant of governments, at least a few members of parliament – particularly those in opposition – may be receptive to suggestions.

A Dose of Their Own Medicine

In Canada, their access law was passed primarily due to the push during the 1960s and 1970s from backbench members of Parliament via private members' bills and other parliamentary and extra-parliamentary techniques. In 1979, the Liberal government lost power, but was returned to office within months after the Progressive Conservative government lost a no-confidence vote. During their short period in opposition, the Liberals got a first-hand experience of the difference between being 'fully informed' in government and having to rely on the media for information when out of office. Having had a taste of closed government, they finally understood the necessity of providing citizens and opposition politicians with access to information. It was not an easy decision; certainly the central bureaucracy was upset and opposed. But, by July 1980 an Access to Information Bill was introduced in Parliament, and it was passed in June 1982.²⁰

Preparing the ground

Election time is particularly fertile for planting seeds of change and getting candidates to think about the value of access legislation. Advocates have worked to get commitments to enacting access to information laws into election manifestos by arguing that voters are likely to favour a politician who is committed to open government, tackling corruption and reining in bureaucrats. In India for example, when a new coalition government was elected²¹ in April 2004, they drew up the National Common Minimum Programme (NCMP), which set out the priority areas of action for the new Government. One of the crucial pledges in the NCMP was to make the existing national right to information law more "progressive, participatory and meaningful". It is generally understood that this crucial promise was included in the NCMP in response to lobbying carried out by the National Campaign for the People's Right to Information. Similarly in Bangladesh civil society advocates persuaded the main political parties to include the promise of enacting information access legislation in their election manifestoes. In 2009 the Sheikh Hasina led Awami League government made good on its promise by sending the Right to Information Ordinance for ratification by Parliament. The Ordinance was promulgated under the previous care-taker government in 2008.

Where governments are slow or disinterested, a private members' bill introduced by an individual or small group of parliamentarians can help to create an opportunity for debate. Although these bills do not often succeed in becoming law, if the issue catches the public imagination, government may yet decide to take it forward. Busy parliamentarians welcome receiving drafts by interest groups and appreciate their support throughout the process, for example by providing detailed briefings, drafting their speeches and assisting with persuading other parliamentarians to support the cause. This strategy has been very skilfully used by the Campaign for Freedom of Information in the United Kingdom, which has been instrumental in the successful passage of four bills that served to increase citizen's access to information.²² The laws were very useful in establishing an overall pro-disclosure environment, which was then supportive of subsequent advocacy for an omnibus access to information law.

Apart from parliament, the courts also provide a good venue for pushing the right to information. Civil society groups in various jurisdictions have approached the courts in a bid to effectuate the right to information via case law. In India, the Supreme Court recognised a right to information through its interpretation of the constitutional right to freedom of speech and expression two decades before the federal right to information law was passed.²³ In Uganda, the Courts have held that Article 41 of the Constitution, which guarantees the right to information, entitles civil society groups to litigate for the disclosure of certain government documents. Three years later, the Access to Information Act was passed in Uganda.²⁴

In Sri Lanka, despite the lack of a law, the Supreme Court has recognised the right to information as part of constitutionally protected fundamental rights. In 1984 the Supreme Court held that public discussion was important in a democracy and recognition of the right of a person as the recipient of information is essential for such discussion to be fully realised. The right to receive information was therefore implied in the right to free speech and expression guaranteed under Article 14(1)(a) of the Constitution.²⁵ A decade later the Supreme Court reviewed this position and held that the right to receive information was actually inherent in the fundamental right to hold opinions and the freedom of thought guaranteed under Article 10 of the Constitution- "information is the staple food of thought".²⁶ The apex Court reiterated this position two years later when it was called upon to determine the constitutionality of the Broadcasting Authority Bill.²⁷ More recently in the celebrated Galle Face Green case, the Supreme Court has held that for the right to expression to be meaningful and effective, a person has an 'implicit right' to secure relevant information from a public authority in respect of a matter in the public domain especially where "the public interest in the matter outweigh [sic] the confidentiality that attach [sic] to affairs of State and official communications."²⁸

CASE STUDY: TARGETING POLICY-MAKERS – CAMPAIGN FOR THE RIGHT TO INFORMATION, INDIA

The Indian right to information campaign started in 1994, spearheaded by the Mazdoor Kisan Shakti Sangathan (MKSS) (see previous case study: Mass Mobilisation – Mazdoor Kisan Shakti Sangathan in India). The National Campaign for People's Right to Information (NCPRI) and the Press Council of India formulated a model right to information law in 1996, which was sent to the Government of India. It was not until 2002 that the Government finally introduced a Freedom of Information Bill in Parliament. Unfortunately, this was a watered down version of the 1996 civil society Bill. This weak Act was passed by Parliament in December 2002 and received Presidential assent but never came into force. Meanwhile, NGOs continued to promote awareness and broaden the campaign, organising national RTI conventions and other public education events.

After the United Progressive Alliance (UPA) Government came to power in April 2004, civil society renewed its efforts to push for an effective national right to information law. The establishment of the National Advisory Council (NAC) to oversee the implementation of the UPA's key policy objectives greatly assisted the cause. The NAC comprised distinguished professionals, including two members of the NCPRI. The NAC became a crucial point of liaison between civil society and government, and a key policy target.

Civil society sent submissions to the first meeting of the NAC in July 2004, calling on the NAC to prioritise the right to information as a key issue. The NAC took up the issue and agreed to develop model legislation and informally asked the NCPRI to develop a model law. In August 2004, the NCPRI forwarded a set of amendments to the existing Act to the NAC. The amendments drew on international best practice and experiences from activists who had used existing State laws. The amendments were circulated to civil society groups throughout India who were encouraged to write to the NAC to endorse the recommendations and/or suggest their own.

At the third meeting of the NAC, members endorsed most – though not all – of the suggested NCPRI amendments, and submitted a model Bill to the Prime Minister of India. This Bill was circulated to civil society groups who were encouraged to lobby the Government to enact the law swiftly. Members of the NCPRI collectively and as representatives of their own organisations met with the Prime Minister, key Members of Parliament and bureaucrats to encourage them to enact a strong and effective law.

On 22 December 2004, the UPA Government tabled the Right to Information Bill 2004 in Parliament. Unfortunately, the Bill watered down some key provisions. In particular, it applied only to Central Government bodies, not to States, and did not include penalties for non-compliance with the law. Civil society lobbied the Government heavily to amend the Bill. Again, NCPRI

members met with key stakeholders. A range of activists from throughout the country also submitted detailed written submissions to the Prime Minister, Ministers, and Cabinet members.

In January 2005, the Bill was referred to a Parliamentary Standing Committee and later to a Group of Ministers for review. Civil society was encouraged to send written submissions to the Standing Committee. The Committee requested several civil society organisations to give oral presentations. Some groups used this as an opportunity to make detailed legal submissions, even submitting alternate wordings of key provisions in the hope that the Committee would be more likely to endorse amendments if they did not have to draft them from scratch. Some NGOs also took the opportunity to hold training sessions for MPs to explain the new Bill.

In May 2005, in the next session of Parliament, amendments to the Bill were tabled. While the Act was amended to cover the entire country (except the state of Jammu and Kashmir which has a special constitutional status) and basic penalty provisions were added, other provisions were watered down. The Bill passed through Parliament in three days, with civil society groups lobbying MPs and other policy-makers in that time to reconsider the amendments. The statute was finally passed on 12 May 2005 and came into force fully on 12 October 2005.

Developing a law

Even when governments commit to enacting a law, they often need to be reminded that the *process* of entrenching the right to information is as important as the outcome of the process. Involving a broad cross-section of people in the law-making process helps ground the law in reality. It helps people own the law, use it judiciously and protect and promote its best practice. Ironically, one of the obstacles that advocates for open governance often face is piercing the existing veil of secrecy in which law-making occurs. In Zimbabwe and Pakistan, the government drafted their “freedom of information” laws with minimal public consultation. The results were poorly drafted, weak Acts, which show the heavy hand of the bureaucracy limiting every disclosure clause and ensuring that the final law barely has any use.

The multitude of government bodies and officials responsible for law-making should be seeking the public’s input into the legislative process. However, it is usually civil society groups which lead the charge for greater participation by the public, while governments – except in a few cases – studiously avoid consultation. In Ghana, where the discussions around law-making were almost exclusively between government and a few elite urban groups, the Commonwealth Human Rights Initiative along with the Freedom of Information Coalition explained the implications of an access to information law to people in the provinces and sought inputs to feed back into the discourse. Discussion with a diverse range of people identified public needs,

the gaps in information and the obstacles faced by the public in getting information. This has enriched the debate surrounding the issue.

Members of parliament can be targeted via their political parties, the houses of parliament in which they sit, or as individuals. In India, after the RTI bill was introduced in the Parliament for debate in the December 2004, civil society organisations actively lobbied parliamentarians in order to ensure that an informed debate took place on the Bill. The Commonwealth Human Rights Initiative (CHRI) prepared a summary of the proposed amendments to the Bill and circulated it to the leaders of all Parliamentary parties. In collaboration with the Centre for Good Governance – a Delhi-based NGO, CHRI also ran sensitisation and education meetings with MPs on the draft Bill. Encouragingly, some of the issues discussed in these meetings were actually raised by the MPs in their speeches during the debate on the RTI Bill in Parliament.

Model civil society right to information laws

Civil society can play a catalytic role in developing legislation by providing legislative assistance to policy makers, by drafting a model right to information law for the country, which the Government could draw on. Any model law should reflect accepted international standards and principles (for more see Booklet 2- Legislating for Access to Information), which will be contextualised to reflect local needs. Model right to information laws have been developed by Article 19²⁹ (an international NGO) and the Commonwealth Secretariat, for use by Governments and civil society. The Commonwealth Human Rights Initiative also develops model legislation. The international NGO, Open Society Justice Initiative, has also published very useful best practice legislative principles which should inform legislative drafting.³⁰ Experience has shown that a participatory law-making process can be a major factor in laying a strong foundation for an effective right to information regime. This requires that officials and civil society proactively encourage members of the community to provide their inputs throughout the legislative process. Draft Bills should be work-shopped and open for public comment before they are finalised.

Unfortunately, invitations from government to civil society to participate in the drafting process have been the exception more than the rule, as many governments either wish to continue to control the outcome, or do not appreciate the value of civil society's contribution. Unfortunately, winning a place at the table provides no guarantee of being noticed – consultations have not always translated into getting important clauses included in the law. The government in the United Kingdom, for instance, has been heavily criticised for renegeing on promises it made while in opposition after long consultations with campaigners. Civil society concerns were reflected in the

Government's initial papers on access to information,³¹ but the final legislation and implementation timetable fell far short of expectations.³²

Nonetheless, it is positive that many governments are increasingly using parliamentary committees, taskforces, law commissions, and on occasion even constitutional review processes to open up public discussion around the right of information access. This provides valuable entry-points early in the process to present balanced arguments, make constructive suggestions, clarify misconceptions and address genuine problems and misgivings surrounding the drafting of the law. Such a dialogue with government and policymakers offers a chance to discuss the enactment of further supporting laws, training to change the mindset of government officials, timelines for overhauling records management and other issues for optimal future implementation.

In South Africa, the Government specifically requested civil society involvement in its taskforce on the right to information.³³ As well as critiquing government proposals, the South African Open Democracy Advisory Centre also tried to offer constructive, timely submissions. Prompt responses were vitally important; if inaccurate or negative opinions were not addressed immediately, they quickly began to be treated as fact and became much more difficult to challenge.³⁴ In Jamaica, Jamaicans for Justice, Transparency International Jamaica and the Farquharson Institute for Public Affairs also made an influential submission to the Joint Select Committee of Parliament on the Access to Information Act.³⁵ The International Commission of Jurists (Kenya) and other key civil society stakeholders have also drafted a Freedom of Information Bill for consideration by Parliament and its submissions to the Constitution of Kenya Review Commission actually resulted in the inclusion of an explicit section on freedom of information in the draft constitutional document.

Assisting with implementation

The existence of a law, without a change in mindsets and the practical means for implementation, is like a seed cast upon stony ground. But once the inevitability of the law is accepted, governments are more willing to have civil society groups assist with training public servants. Advocates for open governance are often experts in the field and, in this era of outsourcing, provide a resource that governments can tap both when developing and implementing laws. Years of dedicated comparative research, knowledge of ground realities and useful international contacts position them well to bid commercially for government work because many are more knowledgeable of the intricacies of access to information law than public officials. South African NGO, Open Democracy Advice Centre, provides specialised training on access to information to government departments and private bodies and assists with the development of in-house access manuals and whistleblower policies. Similarly, in the United Kingdom, the Campaign for Freedom of Information runs training courses for public authorities and private users.

The International Records Management Trust, as its name suggests, regularly assists governments to put in place effective systems for the management of official records.³⁶

Facilitating Effective Implementation

Increasingly, legislative drafters are writing access laws which delay full implementation for 6-12 months from the date the Act comes into force, to permit officials to prepare for implementation. In the United Kingdom, an unreasonably long time lag of 5 years was written into the Act. In India, the Government allowed four months to prepare for implementation. Recognising that the implementation of the new Act in all 28 States of India and at Central Government level would be a monumental challenge, the Commonwealth Human Rights Initiative (CHRI), was quick off the mark in organising a National Conference on “Effective Implementation: Preparing to Operationalise the New Right to Information Act 2005” which was held within 2 weeks of the law being passed.³⁷

The objective of CHRI’s National Implementation Conference was both to assist Central and State Governments to prepare for implementation and to bring together civil society groups from around the country to open up dialogue with government officials, share their experiences and offer themselves as future partners. It was hoped that the Conference would give civil society a chance to immediately draw key implementation issues to the attention of governments. CHRI also invited officials from other countries who were responsible for implementing their national laws, and brought over right to information experts from Mexico, the United Kingdom, Canada, Jamaica and South Africa.³⁸ CHRI and a number of other invitees to the Conference have since worked closely with several government agencies to assist them with their implementation.

Similarly in Bangladesh the RTI Act allows three months to prepare for implementation. Manusher Jonno Foundation – the secretariat of the civil society campaign for right to information – organised an implementation conference in June 2009 within less than two months of the enactment of the access legislation. Parliamentarians, representatives from civil society, media, government, academia and the private sector participated in the two day event which discussed ways and means of implementing the access law.³⁹ They were guided by experts and practitioners from India, Mexico, New Zealand and the UK who brought their experience of implementation of access laws.

Testing the boundaries of new laws through litigation is also one of the ways that civil society has worked to support implementation – developing best practice by establishing precedents for disclosure, clarifying ambiguities, identifying areas requiring amendment and, quite simply, ‘kick-starting’ the use of the new law. The South African History Archive is expressly committed

to testing the boundaries of the South African *Promotion of Access to Information Act*. Since the law came into force in 2001, it has submitted over 100 requests, ensuring a growing expertise in the use of the Act; undertaken the first successful High Court action to force the release of state documents; and has already generated a substantial archive of released materials, mainly Apartheid-era security records.⁴⁰

Likewise, NGOs can assist governments with research by finding out, for example, how other countries have set up Information Commissions to oversee their law or how annual reports are used to promote better compliance with the law. Civil society groups can also help with the development of resource materials, such as producing User Guides to help with public education efforts. Civil society groups can also draw on networks with other groups both inside and outside their country to distil best practice, which can be shared with their Government. Civil society can also act as a “watchdog” on implementation, ensuring that the government complies properly with its obligations under the law. Many civil society groups throughout India continue to write to their Government with complaints about poor implementation and take their cases to the Central and State Information Commissions which have the power to order agencies to fix problems if they are not properly implementing the law. Groups have also been active in meeting with Information Commissioners and working to sensitise them about their role under the law.

Implementation Audits: CSOs Staying Engaged Throughout

Implementation audits help monitor willingness and preparedness to comply with access laws. Recognising this fact, and aware in particular that even with a good law on the books implementation can fall short, in 2003 the Open Society Justice Initiative⁴¹ (OSJI) identified the need to develop a comparative monitoring tool to evaluate and contrast the realities of access to information in different jurisdictions. Accordingly, the OSJI developed an Access to Information Monitoring Tool.⁴² The Monitoring Tool was initially used in 5 countries,⁴³ and a follow up study was carried out across 16 countries.

The OSJI Monitoring Study provided comprehensive information on the implementation of right to information laws in practice, and collated comparative information on levels of transparency across the 16 countries. The monitoring tool aimed to create a versatile and effective instrument to enable analysis of a range of access to information indicators, such as response times to request for information, fees charged for documents, or the existence of discriminatory practices in the provision of information. Conducting such a survey could be a useful first step for countries like Sri Lanka which have no access law in place, to test current levels of transparency and collect hard data on access to information levels which can then be used to demonstrate to policy-makers why a right to information law is necessary to ensure effective access in practice.

AN AFFIRMATION OF DEMOCRACY

Citizens and civil society groups have a vital role to play in creating genuinely responsive access to information regimes. Civil society organisations are effective at raising public awareness, entrenching the value of the right in the minds of the public, and breaking down resistance within government. In many Commonwealth countries, civil society has been solely responsible for getting access to information on government agendas. Unfortunately, though countries of the Commonwealth have often acknowledged the importance of civil society in a democracy, the value civil society can bring in the development of public policy continues to be largely undervalued. Involving a broad spectrum of people in the law-making process not only generates legislation and systems which are in tune with people's needs, it also enhances the general level of awareness among citizens and helps create an environment of openness which gives real meaning to participatory democracy. Advocates for the right to information should not have to battle for space. Rather, their presence should be welcomed by governments as an affirmation of democracy.

Sri Lanka's Freedom of Information Bill, 2003⁴⁴

	An act to provide for freedom of access to official information; specify grounds on which access may be denied; the establishment of the freedom of information commission; the appointment of information officers; setting out the procedure for making requests for information and for matters connected therewith or incidental thereto.
Preamble.	WHEREAS there exists a need to foster a culture of transparency and accountability in public authorities by giving effect to the right of freedom of information and thereby actively promote a society in which the people of Sri Lanka have effective access to information to enable them to more fully exercise and protect all their rights;
	BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:-
Short title.	1. This Act may be cited as the Freedom of Information Act, No. of 2003 and shall come into operation the day immediately following the date of the expiration of a period of twelve months of the date of certification in terms of Article 80 of the Constitution. A Notification regarding the day on which this Act is due to come into operation shall be published not less than three months prior to such day. Application of the Provisions of the Act
Right of access	2. Subject to the provisions of subsection (2) of section 3 and section 4 of this Act, every citizen shall have a right of access to official information which is in the possession, custody or control of a public authority.
Provisions of this Act to prevail over other written law except in certain circumstances.	3. (1) The provisions of this Act shall have effect notwithstanding anything to the contrary in any other written law, and accordingly in the event of any inconsistency or conflict between the provisions of this Act and such other written law, the provisions of this Act shall prevail. (2) Notwithstanding the provisions of subsection (1) the provisions of this Act shall not apply in respect of any official information in the possession, custody or control of any public authority established by any written law, where the members, officers or servants of such public authority are prohibited under such written law from disclosing or releasing any information received by them

	<p>or which came to their knowledge in the performance and discharge of their duties and function under such written law.</p> <p>Denial of Access to Official Information.</p>
<p>When right of access may be denied.</p>	<p>4.</p> <p>(1) A request under this Act for access to official information shall be denied, where-</p> <p>(a) the information relates to any matter in respect of which a decision by the Government is pending.</p> <p>(b) the disclosure of such information would constitute an invasion of personal privacy of any person, unless –</p> <p>(i) the person has consented in writing to such disclosure;</p> <p>or</p> <p>(ii) the disclosure of such information is considered to be vital in the public interest;</p> <p>(c) the disclosure of such information-</p> <p>(i) would cause serious harm to the defence of the State or its territorial integrity or national security;</p> <p>(ii) would cause danger to life or safety of any person; or</p> <p>(iii) would be or is likely to be seriously prejudicial to Sri Lanka's relations with any State or international organization, where the information was given to or obtained from such State or international organization, in confidence.</p> <p>Unless the disclosure of such information is considered to be vital in the public interest;</p> <p>(d) the information relates to the assessment or collection of revenue by the Inland Revenue Department.</p> <p>(e) The disclosure of such information would reveal any trade secrets or harm the commercial interests of any person, unless-</p> <p>(i) the person has consented in writing to such disclosure;</p> <p>or</p> <p>(ii) the disclosure of such information is considered to be vital in the public interest;</p> <p>(f) the information could lead to the disclosure of any medical secrets or medical records relating to any person unless such person has consented to such disclosure;</p> <p>(g) the information is subject to professional privilege;</p> <p>(h) the information is required to be kept confidential by reason of the existence of a fiduciary relationship;</p> <p>(i) the disclosure of such information could cause grave prejudice to-</p>

	<p>(i) the prevention or detection of any crime; or</p> <p>(ii) the apprehension or prosecution of offenders; or</p> <p>(j) the information relates to an examination conducted by the Department of Examination or a Higher Educational Institution which is required to be kept confidential, including any information relating to the results of any qualifying examination held by such Department or Institution.</p> <p>(2) Notwithstanding the provisions of subsection (1), a request for information shall not be denied on any of the grounds referred to therein, other than the grounds specified to in paragraphs (e), (f) and (g) of that subsection, if the information requested for is over ten years old.</p> <p>(3) A disclosure by any public authority of any information which is prohibited from being disclosed under subsection (1), shall be an offence under this Act, and the officer in such public authority who was responsible for the disclosure shall on conviction, be liable to a fine not exceeding five thousand rupees and in addition to any disciplinary action that may be taken against such officer by such public authority.</p> <p>Provided however, no action shall be instituted against such officer where such officer disclosed that information in good faith.</p>
Severability under certain circumstances.	<p>5. Where a request for information is denied on any of the grounds referred to in section 4, access may nevertheless be given to that part of any record or document which contains any information that is not prevented from being disclosed under that section, and which can reasonably be served from any part that contains information denied from being disclosed.</p> <p>Duties of Ministers and public authorities.</p>
Public authorities to maintain and preserve its records.	<p>6. (1) It shall be the duty of every public authority to maintain all its records in such manner and in such form as is consistent with its operational requirements, duly catalogued and indexed.</p>

	<p>(2) All records being maintained by every public authority, shall be preserved -</p> <p>(a) in the case of new records which are opened after the coming into operation of this Act, for a period of not less than ten years from the date on which such record is opened; and</p> <p>(b) in the case of those records already in existence on the date of the coming into operation of this Act, for a period of not less than ten years from the date of the coming into operation of this Act.</p>
<p>Ministers duty to publish a report.</p>	<p>7. (1) It shall be the duty of -</p> <p>(a) the President and of every Minister to whom any subject has been assigned under paragraph (1) (a) of Article 44 of the Constitution; and</p> <p>(b) the President, in respect of any subject or function of which, the President remains in charge, under paragraph (2) of Article 44 of the Constitution.</p> <p>to publish once in every two years and in such manner as may be determined by him, a report containing the following information -</p> <p>(i) particulars relating to the organization, functions, activities and duties of the Ministry of such Minister, and of all the public authorities falling within the functions assigned to such Minister;</p> <p>(ii) the powers, duties and functions of officers and employees of the Ministry and the public authorities referred to in paragraph (a), and the procedure followed by them in their decision making process;</p> <p>(iii) the norms set for the Ministry and the public authorities referred to in paragraph (a), in the discharge of their functions, performance of their duties and exercise of their powers;</p> <p>(iv) rules, regulations, instructions, manuals and any other categories of records under the control of the Ministry and of the public authorities referred to in</p>

	<p>paragraph (a), which are used by its officers and employees in the discharge of their functions, performance of their duties and exercise of their powers.</p> <p>(v) the details of facilities available to citizens for obtaining official information from the Ministry and the public authorities referred to in paragraph (a); and</p> <p>(vi) the name, designation and other particulars of the information Officer or Officers appointed to the Ministry and to the public authorities referred to in paragraph (a).</p> <p>(2) Notwithstanding the provisions of subsection (1), it shall be the duty of the President and of every Minister as the case may be, within six months of the coming into operation of this Act, to publish in such manner as may be determined by the President or such Minister, a report containing the information referred to in paragraph (a) to (f) of that subsection.</p>
<p>Duty of a Minister to inform public about the initiation of projects.</p>	<p>8. Prior to the commencement of any work or activity relating to the initiation of any project, it shall be the duty of the President or the Minister as the case may be, to whom the subject pertaining to such project has been assigned, to communicate to the public generally, and to any particular persons who are likely to be affected by such project, in such manner as specified in guidelines issued for that purpose by the Commission, all such information relating to the project that are available as on the date of such communication.</p> <p>For the purpose of this section, “project” means any project the value of the subject matter of which exceeds:-</p> <p>(a) in the case of foreign funded projects, one million united states dollars; and</p> <p>(b) in the case of locally funded projects, five million rupees</p>
<p>Duty of public authorities to submit reports etc.</p>	<p>9. (1) It shall be the duty of every public authority to submit to the Commission annually a report containing the following information-</p> <p>(a) the number of requests for information received;</p> <p>(b) the number of requests for information which were granted or refused in full or in part;</p>

	<p>(c) the reasons for refusal, in part or in full, of requests received;</p> <p>(d) the number of appeals submitted against refusals to grant in part or in full requests for information received; and</p> <p>(e) the total amount received as fees for granting requests for information.</p> <p>(2) A public authority shall be required on request to disclose the reasons for taking any decision, whether administrative or quasi-judicial, to any person affected by any such decision.</p> <p>Establishment of Freedom of Information Commission.</p>
<p>Establishment of the Freedom of Information Commission.</p>	<p>10. (1) There shall be establishment for the purposes of this Act, a body called the Freedom of Information Commission (in this Act referred to as the "Commission").</p> <p>(2) The Commission shall by the name assigned to it by subsection (1), be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.</p>
<p>Constitution of the Commission.</p>	<p>11. (1) The Commission shall consist of three persons of eminence and integrity who have distinguished themselves in public life and who are not members of any political party and who, at the time of appointment and while functioning as a member of the Commission, do not hold any public or judicial office.</p> <p>(2) The members of the Commission shall be appointed by the President on the recommendations of the Constitutional Council, and subject to the provisions of subsection (3) of this section, shall hold-office for a period of five years. The President shall nominate one of the members of the Commission to be its Chairman.</p> <p>(3) A member of the Commission shall cease to be a member, where -</p> <p>(a) he earlier resigns his office by writing addressed to the President.</p> <p>(b) he is removed from office by the President on the Constitutional Council forming an opinion that such member is physically or mentally incapacitated and is unable to function further in office;</p>

	<p>(c) he is convicted by a court of law for any offence involving moral turpitude; or</p> <p>(d) he is deemed to have vacated office by absenting himself from three consecutive meetings of the Commission, without obtaining prior leave of the Commission.</p>
Appointment of officers and servants of the Commission.	<p>12. (1) The Commission may appoint such officers and servants as it considers necessary to assist the Commission in the discharge and performance of its duties and functions under this Act.</p> <p>(2) The officers and servants appointed under subsection (1), shall be subject to such terms and conditions of service as determined by the Commission and be paid such remunerations as determined by the Commission in consultation with the Minister in charge of the subject of Finance.</p>
Duties and functions of the Commission	<p>13. The duties and functions of the Commission shall be, to:-</p> <p>(a) monitor the performance and ensure the due compliance by public authorities, of the duties cast on them under this Act;</p> <p>(b) make recommendations for reform both of a general nature and directed at any specific public authority;</p> <p>(c) hear and determine any appeals made to it by any aggrieved person under section 28 of this Act;</p> <p>(d) lay down guidelines on which public authorities will be required to determine fees to be levied for the release of any official information by them under the provisions of this Act;</p> <p>(e) co-operate with or undertake training activities for public officials on the effective implementation of this Act; and</p> <p>(f) publicise the requirements of this Act and the rights of individuals under it.</p>
Fund of the	14. (1) The Commission shall have its own Fund to which

Commission.	<p>shall be credited all such sums of money as may be voted upon from time to time by Parliament for the use of the Commission and any money that may be received by the Commission by way of donations, gifts or grants from any source whatsoever, whether in or outside Sri Lanka.</p> <p>(2) There shall be paid out of the Fund all such sums of money required to defray the expenditure incurred by the Commission in the discharge and performance of its duties and functions.</p>
Financial year and audit of accounts.	<p>15. (1) The financial year of the Commission shall be the calendar year.</p> <p>(2) The Commission shall cause proper books of accounts to be maintained of the income and expenditure and all other transactions of the Commission.</p> <p>(3) The provisions of Article 154 of the Constitution relating to the audit of the accounts of public corporations shall apply to the audit of the accounts of the Commission.</p>
Part II of Finance Act, 38 of 1971 to apply.	<p>16. The provisions of Part II of the Finance Act, No.38 of 1971 shall, mutates mutandis apply to the financial control and accounts of the Commission.</p>
Exemption from prosecution.	<p>17. No criminal or civil proceedings shall lie against or any member of the Commission or any officer or servant appointment to assist the Commission, for any act which in good faith is done or omitted to be done in the course of the discharge and performance of their duties and functions under this Act.</p>
Procedural requirements to be published.	<p>18. The Commission shall, within six months of its establishment, formulate and give adequate publicity to the procedural requirements for the submission of appeals to the Commission under section 28 of this Act.</p> <p>Appointment of Information Officers and Procedure for gaining Access</p>
Appointment of an Information Officers and their duties.	<p>19. (1) Every public authority shall, for the purpose of giving effect to the provisions this Act, appointment one or more officers as Information Officers of such public authority.</p>

	<p>(2) It shall be the duty of an Information Officer to deal with requests for information made to the public authority of which he has been appointed its Information Officer, and render all necessary assistance to any citizen making such request to obtain the information being request for.</p> <p>(3) The Information Officer may seek the assistance of any other officer as he may consider necessary, for the proper discharge of the duty imposed on him under subsection (2), and where assistance is sought from any such officer, it shall be the duty of such officer to render the assistance requested for by the Information Officer.</p>
<p>Procedure for obtaining official information.</p>	<p>20. (1) A citizen desirous of obtaining any official information under this Act, shall make a request in writing to the appropriate Information Officer, specifying the particulars of the information requested for;</p> <p>Provided that where any citizen making a request under this subsection is unable due to any reason to make such request in writing, he shall be entitled to make the request orally and it shall be the duty of the appropriate Information Officer to reduce it to writing on behalf of the person making the request.</p> <p>(2) For the purpose of this section - “writing” includes writing done through electronic means; and “appropriate Information Officer” means the Information Officer appointed to the public authority from which the information is being requested for.</p>
<p>Decision on requests submitted under section 20.</p>	<p>21. (1) An Information Officer shall, as expeditiously as possible and in any case within fourteen working days of the receipt of a request under section 20, make a decision either to provide the information requested for on the payment of a fee, or to reject the request on any one or more grounds as specified in section 4 of this Act and shall forthwith communicate such decision to the person who made the request. Where the decision has been taken to provide the information requested for, access to such information shall be granted as soon as practicable.</p> <p>(2) Where providing the information requested for requires the payment of any fee in addition to the fee</p>

	<p>referred to in subsection (1) , the Information Officer shall request for the payment of such additional fee giving details of such fee and specifying the date before which such additional payment should be made by the person concerned.</p> <p>(3) Notwithstanding the requirements made for the payment of a fee under subsections (1) and subsection (2) of this section, the Commission may determine the circumstances in which information may be provided by an Information Officer, without the payment of a fee.</p>
Public authority to display fees to be charged.	22. A public authority shall be required to display in a conspicuous place within its official premises, a notice specifying the fees being charged for obtaining any official information from such public authority. The fees so specified shall be determined by the public authority on the guidelines issued by the Commission for the purpose.
Manner in which official information is to be provided.	<p>23. (1) Where decision has been made to grant a request for information shall be provided in the form in which it is requested for, unless the Information Officer is of view that providing the information in the form requested for would be detrimental to the safety or preservation of the relevant document or record in respect of which the request was made.</p> <p>(2) Where an Information Officer is unable to provide the information in the manner requested for, it shall be the duty of such officer to render all possible assistance to the person who made the request, to facilitate compliance with such request.</p>
Rejection of a request to be communicated.	<p>24. Where a request for information is rejected by an Information Officer, it shall be the duty of such Officer to specify the following information in the communication sent to the person who made the request under subsection (1) of section 21 –</p> <p>(a) the ground or grounds on which such request is being rejected; and</p> <p>(b) the period within which and the person to whom an appeal against such rejection may be preferred.</p>
Where information requested for was supplied by a third	25. (1) Where a request made to an Information Officer by any citizen to disclose official information relates to, or has been supplied by a third party and such information has been treated as confidential at the time the information was supplied , the Information Officer

<p>party.</p>	<p>shall, before arriving at a decision regarding it disclosure, invite such third party by notice issued in writing, to make his or her representation for or against such disclosure , within seven days of the receipt of such notice.</p> <p>(2) The Information Officer shall be required in making his decision on any request made for the disclosure of official information which relates to or has been supplied by a third party, to take into consideration the representations made by the third party under subsection (1), and shall, where any objections are raised by such third party, deny access to the information requested for;</p> <p>Provided however, where the disclosure of the information in question is vital in the public interest, the Information Officer shall disclose the same notwithstanding any objection raised by such third party against its disclosure.</p>
<p>Protection against action.</p>	<p>26. Where access to any information has been granted by an Information Officer under this Act, no action shall lie against such Officer or the public authority concerned by reason of granting access to such information.</p>
<p>Granting access not to constitute an authorization for publication.</p>	<p>27. The granting of access to any information in consequence of a request made under this Act, shall not be taken to constitute an authorization or approval of the publication of such information by the citizen to whom such access was granted.</p> <p>Appeals Against Rejections</p>
<p>Appeals against a rejection of a request.</p>	<p>28. (1) Any citizen whose request for official information is rejected by an Information Officer, may, within thirty days of receipt of the decision relating to such rejection, prefer an appeal to the person referred to in the communication issued under subsection (2) of section 24, being the person designated to hear any such appeal.</p>
<p>Appeals to the Commission.</p>	<p>29. A person aggrieved by the decision made in appeal under subsection (2) of section 28 may within two weeks of the communication of such decision, appeal against that decision to the Commission and the commission may</p>

	affirm, vary or reverse the decision appealed against and remit the request back to the Information Officer concerned for necessary action.
Appeals to the Supreme Court.	<p>30. (1) A person aggrieved by the decision of the Commission made under section 29, shall have a right of appeal to the Supreme Court against the decision of the Commission. Every have a right of appeal to the Supreme Court against the decision of the Commission. Every such appeal shall be forwarded in the manner prescribed by the relevant rules of the Supreme Court.</p> <p>(2) Where any appeal is preferred to the Supreme Court, under subsection (1) such Court may affirm, vary or reverse the decision appealed against, and shall have the power to make any other order that it may consider necessary to give effect to its decision on appeal.</p>
Appeal may be made on behalf of an aggrieved party.	<p>31. An appeal under section 28, section 29 or section 30 of this Act, may, where the aggrieved party concerned is unable due to some reason to prefer such appeal on his own, be made by any other person on his behalf who is duly authorized in writing by such aggrieved party, to prefer the same.</p> <p>General</p>
Commission to prepare a report of its activities.	<p>32. (1) The Commission shall cause to be prepared a report of its activities as often as it may consider necessary, so however, that it shall prepare at least one report in each calendar year. The Commission shall also cause every report prepared by it, to be placed before Parliament.</p> <p>(2) A copy of the report prepared under subsection (1) shall, within two weeks of it being placed before Parliament, be made available for public inspection at the office of the Commission.</p>
Offences.	<p>33. (1) Any Information Officer who –</p> <p>(a) rejects a request made for information without giving reasons for such rejection;</p> <p>(b) rejects a request made on any ground other than a ground specified in section 4 of this Act; or</p> <p>(c) fails without any reasonable cause to make a decision</p>

	<p>on a request made within the time specified under this Act for making such decision,</p> <p>shall be guilty of an offence and shall on conviction be liable to a fine not less than five thousand rupees.</p> <p>(2) Any officer whose assistance was sought for by an Information Officer under subsection (3) of section 19, fails without reasonable cause to provide such assistance, shall be guilty of an offence, and shall on conviction be liable to a fine not exceeding five thousand rupees.</p> <p>(3) A fine imposed for the commission of an offence referred to in subsection (1) of (2) of this section, shall be in addition and not in derogation of any disciplinary action that may be taken against such officer by the relevant authority empowered to do so, for the failure to carry out a duty imposed under this Act.</p>
<p>Release or disclosure of official information by an employee of a public authority.</p>	<p>34. Notwithstanding any legal or other obligation to which a person may be subject to by virtue of being an employee of any public authority, no employee of a public authority shall be subjected to any punishment, disciplinary or otherwise, for releasing or disclosing any official information which is permitted to be released or disclosed on a request submitted under this Act, so long and so long only as such employee acted in good faith and in the reasonable belief that the information was substantially true and such information disclosed evidence or any wrong doing or a serious threat to the health or safety of any citizen or to the environment.</p>
<p>Regulations.</p>	<p>35. (1) The Minister may make regulations in respect of all matters required by this Act to be prescribed.</p> <p>(2) Every regulation made under subsection (1) shall be published in the Gazette and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.</p> <p>(3) Every regulation made under subsection (1) shall, forthwith after its publication in the Gazette be brought before Parliament for approval and any regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval but without prejudice to any thing previously done thereunder.</p>

	(4) The date on which any regulation is deemed to be so rescinded shall be published in the Gazette.
Interpretation.	<p>36. In this Act, unless the context otherwise requires –</p> <p>“citizen” includes any body of persons whether corporate or unincorporated;</p> <p>“Information Officer” means an Information Officer appointed under section 19 of this Act;</p> <p>“official information” includes any correspondence, memorandum, draft legislation, book, plan map , drawing, diagram, pictorial or graphic work, photograph, film, microfilm, sound recording, video tape, machine readable record, computer records and other documentary material, regardless of its physical form or character and any copy thereof;</p> <p>“public authority” means –</p> <p>(a) a Ministry of the Government ;</p> <p>(b) any body or Office established by or under the Constitution other than the Parliament and the Cabinet of Ministers;</p> <p>(c) a Government Department ;</p> <p>(d) a public corporation;</p> <p>(e) a company incorporated under the Companies Act, No.17 of 1982 , in which the State is a shareholder;</p> <p>(f) a local authority; and</p> <p>(g) any department or other authority or institution establishment or created by a Provincial Council.</p>
Sinhala text to prevail in case of inconsistency.	37. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

*Dinesh Trivedi v Union of India, 1997*⁴⁵

While deciding a matter relating to the disclosure of materials presented to an official committee inquiring into the problem of organised crime in India, the Supreme Court once again recognised people's right to obtain information from government as a fundamental right. The Court laid down two important principles, to guide the decision-making process in such cases, namely-

- a) the court's duty to apply the public interest test even when governments claim immunity from disclosure for entire classes of documents; and
- b) the court's duty to balance competing public interests before making a decision regards disclosure.

In 1995 a Member of Parliament (MP), in collaboration with a couple of NGOs, filed a public interest litigation suit before the Supreme Court seeking disclosure of reports of senior officers that were submitted to a government appointed committee mandated to examine the problem of organised crime. A committee had been set up in 1993, under the leadership of the then Home Secretary Mr. N N Vohra, to examine all available information about the activities and links of the mafia, particularly with the political and bureaucratic establishment, and recommend measures to the Government of India for tackling this menace. The Government tabled this committee's report in Parliament only after MPs raised a furore two years later. The arrest of a politician in connection with the gruesome murder of a young woman political activist pushed the Vohra Committee report into public view. MP Dinesh Trivedi claimed that the government had tabled only some disconnected parts of the report and raised doubts as to its authenticity. He demanded that all reports submitted by senior officers that formed the basis of the final report also be made public.

The petitioners argued that the people at large have the right to know the full investigatory details of the report and that such disclosure was essential for the maintenance of democracy and for ensuring transparency in government. They urged the Court to order disclosure of the names of all bureaucrats, police officials, MPs and judicial personnel against whom there was tangible evidence in the contributory reports, to enable lawful action to be taken against them. The Court was also requested to issue a declaration about the unreasonableness and the unconstitutionality of some portions of the *Official Secrets Act, 1923* (under which the government can refuse disclosure of sensitive information) and the need for replacing them with a freedom of information policy.

The government claimed that the report tabled in Parliament was genuine

and authentic. A letter from Mr. Vohra was produced which stated that he did not consider it fit to include in the final report, individual reports submitted by officers, as the annexures were meant to contain only a summary of the discussions held by the committee.

On behalf of the three-judge bench the Chief Justice of India reiterated the status of people's right to know as fundamental right. Drawing inspiration from previous pronouncements of the court the Court held: "*In modern constitutional democracies, it is axiomatic that citizens have a right to know about the affairs of the Government which, having been elected by them, seeks to formulate sound policies of governance aimed at their welfare. However, like all other rights, even this right has recognised limitations; it is, by no means, absolute.... in transactions which have serious repercussions on public security, secrecy can legitimately be claimed because it would then be in the public interest that such matters are not publicly disclosed or disseminated.*" The Court recognised the importance of balancing competing public interests while making a decision regards disclosure of sensitive information.

The Court also observed, "*To ensure the continued participation of the people in the democratic process, they must be kept informed of the vital decisions taken by the Government and the basis thereof. Democracy, therefore, expects openness and openness is a concomitant of a free society.... But it is equally important to be alive to the dangers that lie ahead. It is important to realise that undue popular pressure brought to bear on decision-makers in Government can have frightening side-effects. If every action taken by the political or executive functionary is transformed into a public controversy and made subject to an enquiry to soothe popular sentiments, it will undoubtedly have a chilling effect on the independence of the decision-maker who may find it safer not to take any decision. It will paralyse the entire system and bring it to a grinding halt. So we have two conflicting situations almost enigmatic and we think the answer is to maintain a fine balance which would serve public interest.*"

The Court laid down another important principle:- even if the Government seeks immunity from disclosing entire classes of documents such as Cabinet minutes, documents relating to national safety or diplomatic relations, the Court must still test this claim against the basic guiding principle: 'whether or not it is clearly contrary to the public interest for such documents to be disclosed'. In other words refusal to disclose information must be based on the imperative of protecting important public interests such as national safety or good diplomatic relations and other similar interests. If no such interest is likely to be harmed the Court can order disclosure of the document on the ground that there is an overwhelming public interest to know.

The Court applied the balancing test to the information requested in the present case and decided against disclosure. The court observed: "*We are*

reluctant to direct the disclosure of the supporting material which consists of information gathered from the heads of the various intelligence agencies to the general public. To so direct would cause great harm to the agencies involved and to the conditions of assured secrecy and confidentiality under which they function. Furthermore, it must be noted that not all of the information collected and recorded in intelligence reports is substantiated by hard evidence... quite frequently, individuals are short listed based purely on the investigators' hunches and surmises or on account of the past background of the suspects. The disclosure of these reports would lead to a situation where public servants and elected representatives who, though entirely innocent, are compelled by virtue of their offices to associate with individuals whose culpability is beyond doubt, will also find themselves mired in suspicion. Such a situation would, in the long run, prove to be disastrous for the effective functioning of government... full scale disclosure of these intelligence reports will, in the absence of properly conducted inquiries, lead to the harassment and victimisation of individuals who might well be entirely innocent of any blame. Alternatively, such full scale disclosures would undoubtedly act to the advantage of those individuals who are actually the central figures in the nexus mentioned in the report. Warned in advance of their complicity being suspected, they would initiate rearguard measures to exonerate themselves."

The important principles laid down by the highest court of India in this case have been incorporated in the preamble of the Indian *Right to Information Act* enacted in 2005. This Act places a duty on public authorities and the Information Commissions to direct disclosure of information if the public interest to know outweighs the protected interests.

Notes

¹ Robinson, M. (2002) *Message of the UN High Commissioner for Human Rights Mary Robinson to the 2002 World Civil Society Forum*, <http://www.worldcivilsociety.org/pages/164/http://www.worldcivilsociety.org/REPORT/EN01/index.html> as on 1 October 2003.

² See <http://www.accessinitiative.org/>

³ The Delhi Right to Information Act was enacted in 2001 and continues to be on the statute books. However people use the Right to Information Act passed by Parliament in 2005 more than this law as it is stronger and contains provisions for punishing errant officials.

⁴ World Bank (2003) *Ghana Poverty Reduction Strategy (2003-2005): An Agenda for Growth and Prosperity*, Volume 1, p.122, http://poverty.worldbank.org/files/Ghana_PRSP.pdf as on 3 September 2003.

⁵ See www.bicus.org

⁶ See www.brettonwoodsproject.org

⁷ See the website of the Global Transparency Initiative at <http://www.fitransparency.org/> .

⁸ The founding members of NCPRI are Ajit Bhattacharjea, Prashant Bhushan, Nikhil Dey, Bharat Dogra, Prabhash Joshi, K.G. Kannabiran, Harsh Mander, Renuka Mishra, M.P. Parmesw aram, Aruna Roy, S.R. Sankaran and Shekhar Singh.

⁹ Based on: Dimba, M. & Calland, R. (2003) *Freedom of Information Law in South Africa - A Country Study*, prepared for FreedomInfo.org.

¹⁰ For more information visit: <http://www.abolombon.org/> as on 20 August 2009.

¹¹ For more information visit: <http://www.pallitathya.org/> as on 20 August 2009.

¹² For details regarding this campaign see: <http://www.expressindia.com/news/initiatives/rti/index.php> as on 20 August 2009

¹³ For details regarding this campaign see: <http://www.righttoinformation.info/pdf/newletter2.pdf> as on 20 August 2009

¹⁴ Citizen's Constitutional Forum (2003) *Oral Submission on Draft Media Bill*, The Fiji Islands, <http://www.pnw.c2o.org/2003/ccfmediasub.pdf> as on 2 September 2003.

¹⁵ Imbun, B. (2003) "Overview of Freedom of Information in the Pacific Island Nations", CHRI unpublished.

¹⁶ John Samuel quoted in Goldberg, D. (2003) "Advocating for the right to information – the Sw edish oddity", CHRI unpublished.

¹⁷ Based on: Mishra, N. (2003) *People's Right to Information Movement: Lessons from Rajasthan*, New Delhi, UNDP, p.10.

¹⁸ Mander, H. & Joshi, A.S. (1999) *The Movement for Right to Information in India: People's Power for the Control of Corruption*, Section 3, CHRI, New Delhi.

¹⁹ Anna Hazare Website, *News Page*, <http://www.annahazare.org/rti.html> as on 1 October 2003.

²⁰ Reid, J. (2000) *Remarks to Freedom of Information Seminar*, <http://www.infocom.gc.ca/speeches/speechview-e.asp?intspeechld=16> as on 15 September 2003.

²¹ The United Progressive Alliance (UPA) consists of Congress and its allies RJD, DMK, NCP, PMK, TRS, JMM, LJP, MDMK, AIMIM, PDP, IUML, RPI (A) and RPI (G). The UPA government is supported by the Left parties.

²² *Access to Personal Files Act 1987 (UK)*, *Access to Medical Reports Act 1988 (UK)*, *Environment and Safety Information Act 1988 (UK)* and *Access to Health Records Act 1990 (UK)*: see <http://www.cfoi.org.uk/legachiev.html>

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- ²³ For example: *State of UP v Raj Narain*, AIR 1975 SC 865; *Indian Express Newspapers (Bombay) Pvt Ltd v India*, (1985) 1 SCC 641; *Reliance Petrochemicals Ltd v Proprietors of Indian Express Newspapers Bombay Pvt Ltd*, AIR (1989) SC 190.
- ²⁴ FreedomInfo.Org, (2002) “Ugandan Judge Orders Release of Key Document on Bujagali Dam”, IFTI Watch Archive, November 22: <http://www.freedominfo.org/ifti1102.htm#1>
- ²⁵ *Visuvalingam and Others v Liyanage*, (1984) 2 Sri LR 123, 132 cited in Pinto-Jayawardena K (2005), *op. cit.*, p. 5.
- ²⁶ *Fernando v Sri Lanka Broadcasting Corporation and Others*, (1996) Sri LR 157 cited in Pinto-Jayawardena K (2008) “Background Paper on the Colombo Declaration on Media Freedom and Social Responsibility – 1998”, commissioned by the Editors’ Guild of Sri Lanka, Sri Lanka Press Institute, p.6: <http://www.slpj.lk/downloads/documents/Background%20paper%20on%20media%20Law%20Reform%20re%20the%20Colombo%20Declaration.pdf> as on 21 August, 2009.
- ²⁷ *In Re The Broadcasting Authority Bill*, S.D. No 1/97 – 15/97, delivered on 5 May, 1997 cited in Pinto-Jayawardena K (2008), *op. cit.*
- ²⁸ *Envrionmental Foundation Ltd. V Urban Development Authority of Sri Lanka and Others*, (SC (FR) Application 47/2004, SCM 28.11.2005, cited in Pinto-Jayawardena K (2009), ‘Collapsing Bridges, Collapsing Trust’, *The Sunday Times*, 02, August: <http://sundaytimes.lk/090802/Columns/focus.html> as on 21 August, 2009.
- ²⁹ See www.article19.org/pdfs/standards/modeloilaw.pdf
- ³⁰ See <http://www.justiceinitiative.org/Principles/index>
- ³¹ UK Government (1997) *Your Right to Know: The Government's proposals for a Freedom of Information Act*, The Stationery Office, United Kingdom, <http://www.archive.official-documents.co.uk/document/caboff/foi/foi.htm> as on 26 August 2003.
- ³² Frankel, M. (1999) “Abysmal handiwork”, Frankel, M. (1999) “What’s wrong with the bill?”, CFOI (2000) “16 things you would not believe possible under as FOI Act”, <http://www.cfoi.org.uk/opengov.html> as on 26 August 2003.
- ³³ Dimba, M. & Calland, R. (2003) “Freedom of Information Law in South Africa - A Country Study”, prepared for FreedomInfo.org.
- ³⁴ *Ibid.*
- ³⁵ Jamaicans for Justice, Transparency International and the Farquharson Institution (2002) *Joint Submission to the Joint Select Committee on The Access to Information Act*, http://www.jamaicansforjustice.org/jw_archives.htm as on 1 October 2003.
- ³⁶ See <http://www.irmt.org/>
- ³⁷ See http://www.humanrightsinitiative.org/programs/ai/rti/india/national/rti_conference_report_2005.pdf for a report of the Conference.
- ³⁸ The international experts in the Conference were Mr. Juan Pablo Guerrero Amparan, Information Commissioner with the Mexican Federal Institute for Access to Public Information (IFAI); Mr. Phil Boyd, Assistant Information Commissioner from the UK information Commissioner’s Office; Mr. Marc Aurele Racicot, Assistant Adjunct Professor, University of Alberta, on secondment from the Office of the Information Commissioner of Canada; Ms. Aylair Livingstone, Director of the Jamaican Access to Information Unit; and Mr. Mothusi Lepheana, Director of the Access to Information Unit in the South African Human Rights Commission.
- ³⁹ For more information see: http://manusher.org/rti_conference.php as on 20 August 2009.
- ⁴⁰ See Freedom of Information Programme, South African History Archive <http://www.wits.ac.za/saha/programme.htm> as on 2 September 2003.
- ⁴¹ Open Society Justice Initiative, is an operational programme of the Open Society Institute (OSI), which pursues law reform activities.
- ⁴² The Monitoring Tool can be downloaded at http://www.justiceinitiative.org/db/resource2/fs/?file_id=14972

⁴³ See http://www.justiceinitiative.org/db/resource2?res_id=102207 for results from the initial 5 Country Monitoring Survey.

⁴⁴ The bill annexed hereto is a revised version of the draft Freedom of Information Bill prepared by the Ministry of Justice in December 2003. See http://www.lawcomdept.gov.lk/info_English/index.aspx?xp=723&xi=808.htm as on 9th July 2010.

⁴⁵ JT1997(4) SC237.

USEFUL LINKS

This list of links is not exhaustive. For more links, please visit CHRI's website.

International

- Special Rapporteur on Freedom of Expression and Opinion
<http://www.unhchr.ch/html/menu2/7/b/mfro.htm>
- Commonwealth Human Rights Initiative
www.humanrightsinitiative.org
- Article 19
www.article19.org
- FreedomInfo.org
<http://freedominfo.org>
- Freedom of Information Network
www.foiadvocates.net
- Transparency International
http://www.transparency.org/ach/strategies/access_info/discussion.html
- International Records Management Trust
www.irmt.org
- Whistleblower Support Links
<http://www.xpdnc.com/links/whstlblw.html>
- Open Society Justice Initiative
<http://www.justiceinitiative.org>
- Open the Government (USA)
<http://openthegovernment.org>
- Bank Information Centre (USA)
www.bicusa.org

Commonwealth

- FOI Home Page (Australia)
www.law.utas.edu.au/foi/index.html
- Information Commissioner of Canada (Canada)
www.infocom.gc.ca
- Jamaicans for Justice (Jamaica)
www.jamaicansforjustice.org
- Office of the Privacy Commissioner (New Zealand)
www.privacy.org.nz
- Open Democracy Advice Centre (South Africa)
www.opendemocracy.org.za

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- Media Institute of Southern Africa
www.misa.org
 - Freedom of Information Website (Trinidad & Tobago)
www.foia.gov.tt
 - Campaign for Freedom of Information (United Kingdom)
www.cfoi.org.uk

South Asia

- Central Information Commission (India)
www.cic.gov.in
- Right to Information Portal (India)
www.rti.gov.in
- National Campaign for People's Right to Information (India)
www.righttoinformation.info
- Right to Information BlogSpot (India)
www.indiarti.blogspot.com
- Parivartan (New Delhi, India)
www.parivartan.com
- HumJanenge (On-Line Discussion Board, India)
<http://in.groups.yahoo.com/group/humjanenge/>
- Consumer Rights Commission of Pakistan (Pakistan)
www.crcp.org.pk
- Centre for Peace & Development Initiatives (Pakistan)
www.cpd-pakistan.org
- Law and Society Trust (Sri Lanka)
www.lawandsocietytrust.org
- Centre for Policy Alternatives (Sri Lanka)
www.cpalanka.org
- Transparency International Sri Lanka
www.tisrilanka.org
- Manusher Jonno Foundation (Bangladesh)
www.manusher.org
- Transparency International (Bangladesh)
<http://ti-bangladesh.org>

About our partner

Friedrich-Naumann-Stiftung für die Freiheit

The Friedrich-Naumann-Stiftung für die Freiheit is the foundation for liberal politics. It was founded in 1958 by, amongst others, Theodor Heuss, the first German Federal President after World War II. The Foundation currently works in some sixty different countries around the world – to promote ideas on liberty and strategies for freedom. Our instruments are civic education, political consultancy and political dialogue.

The Friedrich-Naumann-Stiftung für die Freiheit lends its expertise for endeavours to consolidate and strengthen freedom, democracy, market economy and the rule of law. As the only liberal organization of its kind world-wide, the Foundation facilitates to lay the groundwork for a future in freedom that bears responsibility for the coming generations.

Within South Asia, with its strong tradition of tolerance and love for freedom, with its growing middle classes which increasingly assert themselves, and with its liberalizing economies, the Foundation works with numerous partner organizations to strengthen the structures of democracy, the rule of law, and the economic preconditions for social development and a life in dignity.

Friedrich Naumann
STIFTUNG **FÜR DIE FREIHEIT**

Transparency International – Sri Lanka

Transparency International (TI) is the global civil society organization leading the fight against corruption. Through more than 100 chapters worldwide and an international secretariat in Berlin, Germany, TI raises awareness of the damaging effects of corruption and works with partners in government, business and civil society to develop and implement effective measures to tackle it.

Transparency International Sri Lanka (TISL) started operations in 2002. It functions as an autonomous chapter of TI with its own local strategies and priorities.

CHRI Programmes

CHRI's work is based on the belief that for human rights, genuine democracy and development to become a reality in people's lives, there must be high standards and functional mechanisms for accountability and participation within the Commonwealth and its member countries. Accordingly, in addition to a broad human rights advocacy programme, CHRI advocates access to information and access to justice. It does this through research, publications, workshops, information dissemination and advocacy.

Human Rights Advocacy

CHRI makes regular submissions to official Commonwealth bodies and member governments. From time to time CHRI conducts fact finding missions and since 1995, has sent missions to Nigeria, Zambia, Fiji Islands and Sierra Leone. CHRI also coordinates the Commonwealth Human Rights Network, which brings together diverse groups to build their collective power to advocate for human rights. CHRI's Media Unit also ensures that human rights issues are in the public consciousness.

Access to Information

CHRI catalyses civil society and governments to take action, acts as a hub of technical expertise in support of strong legislation, and assists partners with implementation of good practice. CHRI works collaboratively with local groups and officials, building government and civil society capacity as well as advocating with policy-makers. CHRI is active in South Asia, most recently supporting the successful campaign for a national law in India; provides legal drafting support and inputs in Africa; and in the Pacific, works with regional and national organisations to catalyse interest in access legislation.

Access to Justice

Police Reforms: In too many countries the police are seen as oppressive instruments of state rather than as protectors of citizens' rights, leading to widespread rights violations and denial of justice. CHRI promotes systemic reform so that police act as upholders of the rule of law rather than as instruments of the current regime. In India, CHRI's programme aims at mobilising public support for police reform. In East Africa and Ghana, CHRI is examining police accountability issues and political interference.

Prison Reforms: CHRI's work is focused on increasing transparency of a traditionally closed system and exposing malpractice. A major area is focused on highlighting failures of the legal system that result in terrible overcrowding and unconscionably long pre-trial detention and prison overstay, and engaging in interventions to ease this. Another area of concentration is aimed at reviving the prison oversight systems that have completely failed. We believe that attention to these areas will bring improvements to the administration of prisons as well as have a knock on effect on the administration of justice overall.



