



**The Right to Information: A Tool for Government Accountability in
Sri Lanka**

By

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MPPG 11th Batch**

March 2025



**South Asian Institute of Policy and Governance (SIPG)
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**South Asian Institute of Policy and Governance (SIPG)
North South University, Bangladesh**

Dedicated to

This dissertation is dedicated

To MY FAMILY

For their endless love, support, and encouragement.

Declaration

I declare that the dissertation entitled “**The Right to Information Act: A Tool for Government Accountability in Sri Lanka**” submitted to the South Asian Institute of Policy and Governance (SIPG) of North South University, Bangladesh for the Degree of Master in Public Policy and Governance (MPPG) is an original work of mine. No part of it, in any form, has been copied from other sources without acknowledgement or submitted to any other university or institute for any degree or diploma. Views and expressions of the thesis bear my responsibility, with the exclusion of SIPG, for any errors and omissions.

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Abstract

The pillars of good governance are transparency, accountability, participation and prediction (ADB, 1999). These can be observed in the practice of the RTI Act under a government. The idea that the right to information is fundamental to democracy has been accepted since the emergence of Greek city-states. Today, about 123 types of RTI laws are in practice in around 140 countries (Centre for Law and Democracy, 2024). The RTI Act was enacted in Sri Lanka on February 4, 2017. This research examined the different forms of accountability - vertical, horizontal, and diagonal with various stakeholders, including the government, (NGOs), (CSOs), and the public. Previous reports and research provide less empirical data about the RTI Act's impact on government accountability. Addressed the knowledge gap and understand the relationship between the RTI policy and government accountability in Sri Lanka. This research explored effective ways to use the RTI Act to achieve its objectives, including establishing accountability in government bodies. This study focused on finding two research problems. Those are: Is the Right to Information (RTI) Act an effective tool for government accountability? Furthermore, does RTI help improve government accountability?. According to the Transparency and Accountability Continuum model, the researcher contacted the theoretical framework based on the model. In this study, data are collected through primary and secondary sources data that combine the characteristics of a quantitative approach. The sample was selected through the purposive judgmental sampling method for semi-structured interviews and case studies of the data collection. The study collected data from 23 respondents for interviews who have applied, exercised, and are experts on the RTI law to get information in Sri Lanka; those include Activists, Teachers, community leaders, Youngsters, Journalists, NGO/CSO, Information officers, and the policyholders. Three case studies were used in this study to explore the RTI impact on government accountability practically.

This study found that Sri Lankans have different perspectives and opinions on government and public institutions' accountability. The RTI Act was the main reason for the increase

in the Sri Lankan government's accountability. However, responsible politicians or public officers did not take any responsibility for the economic crises and bankruptcy in Sri Lanka. The government did not accept any responsibility for the war crime. Therefore, government accountability is problematic. Each case study shows compliance between demand, supply, and complaint sectors to ensure government accountability in Sri Lanka. Government information availability and accessibility create an actionable process for the public; this information disclosure effective tool is RTI. People actionable will make the government accountable. The RTI Act held the government accountable throughout this case study, but not in civil war problems. This study discovered specific obstacles to implementing the RTI Act to hold the government accountable in Sri Lanka. Those are vexatious and furious obstacles; the journalist does not approach the judiciary to take action for their found issue through the RTI; media organisations created obstacles for journalists to seek information through the RTI Act, the functional problems in the newly established local government entity. The right to information is the most important law in the country and is common to all. The Right to Information Act can be used for social upliftment. Policy-based mechanisms must be in place to use information and law as new tools for solving many everyday problems that individuals and communities face. A full understanding of RTI should also be seen in the implementing agencies. This paper will help improve the effectiveness of implementing the RIT Act to hold the government accountable in the future.

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List of Abbreviation

ADB	-	Asian Development Bank
CIABOC	-	Commission to Investigate Allegations of Bribery or Corruption
COPA	-	Committee on Public Accounts
COPE	-	Committee on Public Enterprises
CPI	-	Corruption Perceptions Index
CSOs	-	Civil Society Organisations
FCID	-	Finance Crimes Investigation Division
HRCSL	-	Human Rights Commission of Sri Lanka
ICC	-	International Criminal Court
ICCPR	-	International Covenant on Civil and Political Rights
IMF	-	International Monetary Fund
NGOs	-	Non-Government Organisations
OHCHR	-	High Commissioner for Human Rights
RTI	-	Right to Information
RTIC	-	Right to Information Commission
TI	-	Transparency International
UN	-	United Nations
UNCAC	-	United Nations Convention Against Corruption
UNDP	-	United Nations Development Program
UNHRC	-	United Nations Rights Council
UPR	-	Universal Periodic Review
USAID	-	United States Agency for International Development
WHO	-	World Health Organisation

Chapter 01

01. Introductory

01.1. Introduction

The world is moving towards a society that relies heavily on knowledge-based information technology. This shift has led to several government-led initiatives aimed at achieving this objective. Information is now seen as crucial for knowledge-based and accountable governance. However, this also poses a challenge to democracy and citizens' rights across the globe. The pillars of good governance are transparency, accountability, participation, and predictability (ADB, 1999). These can be observed in the practice of the RTI Act under a government. Government unaccountable and opacity are the greatest enemies of good governance and cause harm to democracy and development in the South Asian region. Government opacity has detrimental effects and hurts people disproportionately by diverting funds intended for development. It can affect the rule of law and democracy, besides improving inequality and discouraging foreign aid and investment. This unaccountable government and opacity are significant problems in Sri Lanka's economic underperformance and other social issues. However, countering the unaccountable and opacity Right to information is the key tool in a democratic society (Sharma, 2021).

The Right to Information Act regulates the procedures through which the public can request information from public institutions. These laws acknowledge the right to information and support the “principle of maximum disclosure,” the public should have access to as much information as possible, except for certain exceptions such as privacy protection, commercial secrecy, and national security. In addition, many of these laws now require that public authorities proactively disclose information, not just in response to requests. (Darbishire, 2010).

Democracy is characterized by elected and non-elected officials' accountability to the citizens. The core idea behind accountability is that State actors (Politicians and Bureaucrats) need to be able to be held responsible for their decisions and actions. Elections are the most common instrument used in major democracies to achieve this accountability. These elections require officials to be accountable to the electorate for the policies formulated and actions undertaken. However, this mechanism has proven to be ineffective in many ways. In most developing nations, people's political choices are determined by primordial loyalties of ethnicity, race, caste, and religion - instead of issues of governance and accountability (Kohli, 2012). Furthermore, many public servants responsible for implementing policies do not have to face elections, which absolves them of accountability. This underscores the need for new ways and mechanisms to exact accountability from elected politicians and non-elected public servants (Kohli, 2012).

The Right to Information (RTI) Act promotes transparency and accountability within government organizations by allowing citizens to access official records, files, and documents. This makes government processes more open to scrutiny and allows citizens to request information from government agencies. These agencies are obliged to provide the requested information promptly. The RTI Act empowers citizens to expose corruption and malpractice, making it an effective tool in the fight against corruption within government agencies. Moreover, the Act encourages informed citizen participation in the democratic process by providing access to information. This, in turn, enables citizens to make better decisions and engage in constructive dialogues. The RTI Act safeguards against the arbitrary use of power by government officials. The decisions and actions of these officials are subject to public scrutiny under this Act. In Sri Lanka, corruption, accountability, and transparency are problematic functions in government action. The RTI Act has been in effect since 2017. However, government accountability is still a question mark. This research explored the problem with the RTI Act as an effective tool for government accountability in Sri Lanka.

01.2. Background of Study

The right to information is the right of citizens to access information held by government agencies. Information is very fundamental to the well-being of citizens. The reason is that they provide a broad framework for the citizens to understand the government's activities, laws, policies, and finances. Information is generally accepted as the 'Oxygen of democracy' (Ramesh, 2019).

The idea that the right to information is fundamental to democracy has been accepted since the emergence of Greek city-states. This is confirmed by the statements of Greek philosophers such as Aristotle and Plato: "Disclosing all the information related to government and governance to the general public and enlightening the people about those details are fundamental aspects of democracy." "The United Nations' Article 19 of the 1948 Universal Declaration of Human Rights is an expression of the world's recognition of the importance of law in the late 20th century, which states, "Everyone has the right to hold opinions and to seek and receive information, including the expression" (Universal declaration of human rights -1948). Also, the 28th of September is declared the International Day of Information Rights and is commemorated every year.

Today, about 123 types of RTI laws are in practice in around 140 countries (Centre for Law and Democracy, 2024). These laws were first introduced to Sweden about 250 years ago. The country passed the "Freedom of the Press Act" in 1766, declaring the RTI a "fundamental right" of the people. Subsequently, the Act was implemented in Mexico in 1966 and the United States of America in 1976 (Parliamentary Assembly of the Council of Europe, 2008). On 7 May 2024, Kyrgyzstan adopted a new Law on the Right of Access to Information, enacted in January and replaced (Centre for Law and Democracy, 2024). SAARC region countries, such as Maldives, Bangladesh, Nepal, Afghanistan, and India, implemented the RTI law. Following this, the RTI Act was enacted in Sri Lanka on February 4, 2017. It is widely believed that the RTI Act will allow citizens to access better public

services. However, there are some problems with implementing the RTI effectively and efficiently in the South Asian region.

The process of drafting the RTI Act in Sri Lanka began in 2004 with the drafting of the Access to Information Act. Despite the cabinet's approval, there were delays in its submission to Parliament due to political turmoil. A second drafting committee in 2015 amended the original legislation to achieve better results, leading to Act No. 12 of 2016. Until the enactment of this Act, no laws had been enacted that expressly provided for the right to information to the people of Sri Lanka. However, the High Court has held in some cases that freedom of expression under Article 14(1)(a) of the 1978 Constitution includes the RTI. This right was defined as a situation where the fundamental right is violated. In the 21st century, the need for information from public authorities to protect, promote, and recognize the fundamental rights of citizens is undeniable.

This right is critical to scrutinizing the truth of public information, making informed choices, and ensuring responsible government. The RTI Act does not work alone; it is a collaborative policy action. The effectiveness of the Sri Lanka RTI act needs a better functioning institutional process, appeals, mechanisation, well-recoded data, well objectives and function, and an M&E system. In this case, Sri Lanka has the Right to Information Unit under the Ministry of Mass Media and RTI Commission. Every Local government unit, *Predeshiya Shabha*, *municipal council*, *urban council*, *divisional Secretariats*, and *district secretariats* RTI unit or information officer to provide information to the public. Sri Lanka NGOs and CSOs working on RTI Act awareness and empowering programs. Higher-level secondary education has RTI as a subject. According to the Sri Lanka RTI Commission statistic report for 2022 to 2023, the number of appeals was 504, and from 03.01.2023 to 20.04.2023, the number of appeals was 241. This will show that the number of people using RTI law has increased. In 2024, the Centre for Law and Democracy mentioned that Sri Lanka's RTI act implementation and functioning was

ranked fourth globally and 2nd in Asia, and Sri Lanka got 131 points out of 150. The following chart shows the points and categories.

Table 01: Sri Lanka RTI Rating Score

Section	Points	Max Score
Right of Access	5	6
Scope	28	30
Requesting Procedures	26	30
Exceptions & Refusal	23	30
Appeals	29	30
Sanctions & Protections	4	8
Promotional Measures	16	16
Total	131	150

Source: Centre for Law and Democracy, 2025

The Sri Lankan government perceived the law as a milestone in balancing the power imbalance between the people and the government. Empowerment of the people is the core promise of the RTI movement. The government hopes that this initiative will at least be instrumental in fostering a culture of transparency and accountability regarding the government's activities to ensure full participation of the people in public life and good governance in the country. The purpose of enacting the Freedom of Information Act is stated in the title and preamble of the Act. The title reads, "An Act to provide for access to information, cases of denial of the right to information, the appointment of information commissioners, the appointment of information officers and procedures to be followed". The conclusion of the Act declares that "This Act is designed to create a society where people participate in public life by promoting transparency, accountability, and good governance in matters relating to public authorities by guaranteeing the right to information in Article 14 (a) of the Constitution and providing the right to information." When laws are made and implemented by parliaments, it is a natural state that conflicts

between theory and practice arise and change (Guunatilleke, 2018). As such, researchers have identified various procedural successes and deficiencies in the existing Right to Information Act in Sri Lanka.

Accountability did not have a proper definition and fuzzy concept (Weisband & Ebrahim, 2007; Bostrom & Garsten, 2008). UN defines accountability as the relevant authorities taking responsibility for their commitments and actions, being answerable to the people affected by these actions, and being subject to thorough monitoring processes that are lacking; enforceable measures should be implemented. Accountability means those responsible accept responsibility for their actions and omissions. They acknowledge that they may be called upon to explain why and how they acted or failed to act, and they should adjust their policies and actions accordingly (Van de Lande & Fonseca, 2018). However, accountability means that actors need to be able to be held responsible for their decisions and actions.

The Government Accountability concept is Western (Giu & Macnaughton, 2017; Seidman, 2005). The concept of governmental accountability has a long, distinguished, and fascinating history in English law (Seidman, 2005). Government Accountability focuses on state actors' need to answer their decisions and actions to Citizens (Lindberg, 2009). Government Accountability has three types- vertical, horizontal, and diagonal. Vertical accountability is citizens holding the government accountable, diagonal accountability involves oversight by civil society and media, and horizontal accountability is state institutions holding other branches of government accountable. The core concept of government accountability is to ensure a healthy relationship between bureaucrats, politicians, and citizens. Better government accountability will help to build good governance and citizen engagement.

Government accountability is held by National, Subnational, and international level mechanisms (UN, 2015). National government accountability mechanisms are Political

Accountability, Professional Accountability, Social Accountability, Judicial Accountability, and Public Administration Accountability (UN, 2015; Giu & Macnaughton, 2017).

Political accountability - in a democracy, elections are the core of political accountability. Through elections, politicians are elected by the public. Furthermore, politicians are accountable for their public service work and decisions to citizens. Citizens elect parliament members; they are answerable to citizens for their decisions and actions. The legislature's role is to hold the executive more regularly accountable. Administrative accountability requires public institutions to adhere to transparency, participation, reasoned decision-making, and legality standards. This includes maintaining codes of conduct and providing effective review of their decisions. Administrative accountability promotes civil servants to be answerable and accountable to the citizens, senior administrative officers, politicians, media, CSOs, and NGOs.

Public managers and officials, including trained engineers, doctors, teachers, and accountants, are entrusted with upholding professional standards and codes set by their respective professional bodies. Professional accountability is essential for maintaining ethical behaviour, competence, discretion, and responsiveness. Adherence to best practices, industry rules, and codes of ethics is crucial for demonstrating commitment to professional excellence. Political accountability depends on Professional Accountability.

The judiciary is essential in redressing and sanctions for human rights violations and economic issues. It holds government entities accountable for the public interest. Courts serve as a vital mechanism for horizontal accountability, ensuring the government is held accountable. Social accountability actively engages with the public to address their needs and interests. NGOs, mainstream media, and social media have a crucial role in demanding and monitoring the lawful conduct of the state, as well as in exposing political and bureaucratic corruption. Furthermore, Social accountability makes politics and administration accountable.

Sub-national government accountability mechanisms are regional cooperation, economic and political treaties, and diplomatic relationships. International cooperation, International human rights mechanisms, Intergovernmental political bodies, transnational regulatory networks, and international financial institutions are international government accountability mechanisms.

In Sri Lanka, the government's accountability mechanism is based on national, subnational and international. Sri Lanka's Government's accountable mechanisms are the Constitution, Media, Civil Society, Judicial system, Parliament, International Fund agencies, Election, and the recent act of the Right to Information (De Silva, Yapa & Vesty, 2020; Ramesh, 2023). After economic crises, the UN IMF, World Bank, and Asian Development Bank are core to Sri Lanka's Government Accountability Mechanisms for government finance and social expenditure activities representatives (Talayaratne & Weerasooriya, 2023). Those accountable mechanisms failed in Sri Lanka's political system in past years, which created a range of issues such as corruption, politicisation, low quality of governance, poor public service delivery, low level of trust, elitism, paternalism, and unresponsiveness in government and bureaucratic system (Ramesh, 2023). The lack of transparency and accountability made the state fail economically and politically. In 2022, people started to protest against the lack of government accountability and transparency. However, different national and international accountability mechanisms have started functioning today. The Right to Information Act is one of the most significant transition concepts and mechanisms for government accountability. However, successful implementation is needed for the RTI Act to hold government accountability and democracy in Sri Lanka (Ramesh, 2023).

01.3. Significance of the Study

Sri Lanka's Government's accountable mechanisms are the Constitution, Media, Civil Society, Judicial system, Parliament, International Fund agencies, Election, and the recent

act of the Right to Information (De Silva, Yapa & Vesty, 2020). The United Nations' 2015 Good Governance and Accountability in the Sustainable Development Agenda in Sri Lanka report and Transparency International's Sri Lankan Right to Information Implementation Assessment 2019 report mentioned that RTI is a good concept for holding the government accountable in Sri Lanka. However, there was no empirical evidence in Sri Lanka.

The RTI act was part of governance reforms aimed at promoting more transparency and accountability by the National Unity government, which was elected in 2015. Before COVID-19 and *Aragalaya* (People's Protest against Government'), RTI was the ideal transition period for government accountability and transparency (Jayasinghe, 2019). The *Aragalaya* movement demanded a more accountable government, explicitly calling for corrupt politicians to be held accountable, public funds to be returned by officials, and more public scrutiny of elected representatives (Talayaratne & Weerasooriya, 2023). This is the most significant incident to this research. Sri Lanka's government's accountable mechanisms almost functioned long ago; the RTI is a new mechanism in the Sri Lankan context. The present-day public and CSOs know RTI and have started practising. This was the current time to investigate RTI's impact on Sri Lanka's government's accountability.

The effective functioning of the Right to Information (RTI) Act and government accountability require collaborative contributions from various stakeholders, including the government, non-governmental organisations (NGOs), civil society organisations (CSOs), and the public. Previous researchers did not explore various forms of accountability related to the RTI Act in Sri Lanka. This research examined the different forms of accountability - vertical, horizontal, and diagonal. Vertical accountability refers to how citizens of Sri Lanka (civil activists and people's leaders) can use the RTI Act to hold the government accountable. In diagonal accountability, the government is held accountable to civil society organisations and the media through RTI. In horizontal accountability, state institutions hold the other branches of the government accountable by utilising RTI.

Previous reports and research did not provide empirical data about the RTI Act's impact on government accountability. The primary goal of this research was to address the knowledge gap and understand the relationship between the RTI Act and government accountability in Sri Lanka. This research generated evidence and information and added value to the existing body of knowledge, leading to policy interventions. The RTI law empowers people to ensure their right to access information. Therefore, this law can potentially make the public sector accountable. Thus, the researcher was motivated to find out whether the effective use of RTI Act law impacts government accountability and what measures need to be taken to make the RTI Act and the RTI oversight authority more effective in achieving their goals. Finally, this research may contribute to exploring the effective ways to use the RTI Act to achieve its objectives, including establishing accountability in government.

01.4. Research Problem

The right to information is the right of citizens to access information held by government agencies. Information is very fundamental to the well-being of citizens. The reason is that they provide a broad framework for the citizens to understand the government's activities, laws, policies, and finances. Information is generally accepted as the 'Oxygen of democracy' (Ramesh, 2019). The information related to what is happening in the country, who governs citizens, what kind of laws are created, how the government and its institutions work, government works in a country hidden from citizens, or there are no opportunities to get information about government works. This situation created the path to corruption and authoritarian culture. The citizens cannot meaningfully participate in the governance system and the government's activities. To avoid this problem, RTI gives citizens access to government work information. The right to information facilitates transparency and accountability in a country and people's participation in a democratic system (Ganathayalan, 2019). This study focused on finding two research problems. Those were: *Is the Right to Information (RTI) Act an effective tool for government accountability?* Furthermore, *does RTI help improve government accountability?*

01.5. Research Objectives

This study has three types of objectives.

- To analyse the influence and effectiveness of the RTI law on maintaining overall accountability and transparency in government institutions.
- To examine how different actors use the RTI Act to promote government Accountability.
- To identify the challenges in implementing the RTI Act to promote government accountability.

01.6. Research Question

The study sought to understand the impact of the RTI law on government accountability in Sri Lanka. Therefore, the study aimed to investigate the following questions:

- How do RTI laws impact government institutions' transparency, responsiveness, and accountability?
- How far and to what extent does RTI support holding government bodies responsible for their actions and decisions?
- How and in what ways do different actors use the RTI Act to promote Government Accountability?
- What are the obstacles in implementing the RTI Act to promote government accountability?

01.7. Research Methodology

The methodology of this study was directed to achieve its completion. A designed research methodology plays a notable role when researchers continue their research.

01.7.1. Sampling method

The sample was selected through the purposive judgmental sampling method for interviews and case studies of the data collection. It was intended to collect data from 23 respondents for interviews who applied, exercised, and RTI law experts to get information in Sri Lanka. Using judgmental sampling was a helpful approach to gathering data for this study. As only a few people possess the required experience and knowledge in Sri Lanka RIT law and government accountability, the researcher selected only those considered experts in this area from the population. Those samples represented individual Civil Activists, Teachers, community leaders, Youngsters, journalists, CSOs, NGOs, politicians, relevant public officers, and Think tanks.

01.7.2. Data Collection Methods

Data and information were collected from both primary and secondary sources to examine the impact of the RTI law on government accountability. The sample was selected through semi-structured interviews and case studies. Data were collected from 23 respondents for the semi-structured interviews, a limited age group above 20 in Sri Lanka. The subjective experiences of the selected respondents, consequent to semi-structured interviews, were conducted under the interview guide, listing questionable areas to collect necessary descriptive data, thereby following a qualitative approach to data gathering. In this study, data were collected through secondary sources that combine the characteristics of a quantitative approach.

I. Primary sources

Primary data collection methods were semi-structured interviews and case studies.

- Interview

These interviews were based on semi-structured. It was decided to collect data through interviews with 23 respondents. Various actors and experts will participate in this

research in Sri Lanka's RIT and policy field. Primary information was gathered from those who have applied and exercised the right under the RTI law to get information. The first category was the information providers, public officials designated as Information Officers in the public bodies. These were responsible for responding to the applicant for information and proactively disclosing information to the citizens.

The second category of respondents were those entitled to apply for access to information using the RTI Act from public bodies covered by the law. These include citizens, journalists, civil society organisations (CSOs), or NGOs. The last category of respondents in the study was the representatives of the Commission (the oversight body), the Ministry of Information (the policyholder), and politicians. These were responsible for the overall coordination of the implementation of the RTI Act. Among others, they were responsible for developing guidelines and regulations, receiving annual reports, reviewing appeals made under the RTI Act, and monitoring the implementation of the Act.

- Case studies

This case study investigates the impact of Sri Lanka's Right to Information (RTI) Act on government accountability. The study selected 03 case studies based on interviews, published articles, and newspapers. The selected case studies focused on issues such as exposed government corruption, local infrastructural project problems, decision responsibility, relief fund destitution issues, war crime issues, neutral information access, successes of information flow and action, and barriers to access information.

II. Secondary sources

Secondary data was collected for analysis. These include the RTI law, rules and regulations of Sri Lanka, annual reports published by the Information Commission, publications by NGOs that work in RTI law, articles and news published by investigative journalists, and research and field reports published by research organisations and international organisations.

01.7.3. The Sampling

The interviewees were categorised and selected from those who had experienced exercising the RTI law and had used the law for information. The following table shows the categories of respondents and their numbers.

Table: 02. The sample sizes

Demographic variable		Percentage
Gender	Male	05
	Female	08
Ethnicity	Sinhalese	09
	Tamils	08
	Muslims	06
Occupational Sectors	Citizens (Higher Educational Students, Civil Activists, Teachers, Community Leaders)	05
	Journalists	05
	NGOs/Civil Society	05
	Information Officers	05
	Policyholders	03

01.7.4. Analysing and Data Presentation

The sample was selected through semi-structured interviews, and case studies were analysed using thematic analysis. The qualitative data were analysed using a theme list. Digital recordings and field notes collected in the field were transferred into written records after each interview. Then, the themes and sub-themes were identified by reading the report.

01.8. Structure of the Thesis

The thesis was divided into five chapters as follows.

- The first chapter of the study was introductory - it provided an Introduction, Background of the study, Significance of the Study, Statement of the Problem, Objective of the study, Research Question, Research Methodology, Study Limitations, and Structure of the Thesis.
- The second chapter of this study discussed the literature review and the theoretical and conceptual framework. This chapter included a literature review of the study, the origin of RTI, and Sri Lanka's RTI Act function. Furthermore, the theoretical background and the conceptual framework of the study. It highlighted the Transparency and Accountability Continuum. This model provided a view of how inadequate information by citizens allows public officials and politicians to abuse their power and authority to make it unaccountable. The chapter also introduced and defined key concepts in the study, which include transparency, citizen participation, and accountability.
- The third chapter reviewed the government accountability mechanisms. This study discussed the evolution of the accountability concept and the internal and external government accountability mechanisms of institutions and actors in Sri Lanka.
- The fourth chapter of this study presented the data analysis parts and highlighted the data to reveal how the RTI Act in Sri Lanka contributed to the government's accountability. Critical Case studies were presented. The chapter groups found the following overarching themes: level of awareness, empowerment of citizens, utilisation of obtained information, and transparency and accountability.

- The fifth chapter discussed the challenges and obstacles to implementing the RTI Act to promote government accountability in Sri Lanka. It included Institutional, Bureaucratic, Political, and Stakeholder challenges from different perspectives.
- The concluding sixth chapter focused on the study's discussions and conclusion. It explored the correlation between the RTI Act and Government accountability in Sri Lanka.

Chapter 02

02. Literature Review and Conceptual Framework

02.1. Introduction

The literature review has a significant role in the research process. The literature review identifies the research gap, possible methodology, and theoretical and conceptual aspects of the research work. However, the literature review is a systematic summary of previous research related to the topic. Therefore, a literature review is based on surveys, research articles, books, academic publications, government/ non-government reports, websites and other relevant sources. The literature review continues from the beginning to the end of the research (Inyang, 2017). This research literature review provides a brief concept of the Right to Information Act in the international context and Sri Lanka contexts, as well as relevant studies on the RTI Act and government accountability. Finally, it discusses the theoretical framework of the study.

02.2. Evolution and Concept of the RTI Act

Recent technological advances reduced the gap between the 'information rich' and the 'information'. The information-rich gives common people the power to ensure government accountability and transparency through government information available. Information rights, freedom of the press, freedom of information, and freedom of expression have different interrelated notions (Arachchi, 2017 & Misra, 2022). These concepts of freedom and rights enhance the disclosure of government information. The collaboration of all the information freedom and rights concepts is the Right to Information; it has been pushing the government to disclose information for over two centuries.

The concept of RTI Act was enacted from the importance of information in a democratic society to maintain good governance. The term “information” is derived from The Latin words “Formation” and “Forma” (Misra, 2022). The Right to Information Act concept started in ancient Greece. In Greece, government decisions were conveyed by written silk letters to the public for feedback. (Kamble, 2019). In South Asia, ancient King Ashoka’s regime wrote down the regime information and rules in inscriptions to make people aware. (Arachchi, 2017). According to John Locke, humans are born with an empty mind. Humans receive information through their five senses and experiences to develop innate ideas and moral precepts. Therefore, without access to information, humans cannot judge right or wrong things and decisions. This information is essential to humans making decisions and judgments (Mahajan, 2000). E.Westermarck, Francis Bacon and Descartes mentioned that information is a real power and knowledge to humans.

Most of the common says, “Information is power”. Accordingly, common people want to retain power in a democratic system; they should be well-informed about government actions. To get the government information, the Right to information helps to break out the government's opacity. The Right to Information Act has developed through human rights and revolution history. Important milestones were the Magna Carta (1215), Petition of Rights (1627), Bill of Rights (1689), Declaration of American Independence (1776), and French Revolution (1789) (Kamble, 2019). In 1946, UN General Assembly Resolution 59(1) ensured the Freedom of Information (Parliamentary Assembly of the Council of Europe, 2008).

Sweden adopted the World’s Right to Information Act in 1766. Section 13 – The Ordinance on Freedom of Writing and of the Press law was accepted and approved by the Swedish Constitution. This Freedom of Press law established the RTI law; the press can access the government, courts, and parliament to print documents. (Arachchi, 2017; Parmar, Rojasara, 2020). Following Sweden, Colombia (1888), Germany (1949), Canada (1980), Australia (1982), Britain (1989), USA (1966), Pakistan (2002), India (2005), China (2008)

and on 7 May 2024, Kyrgyzstan adopted the Right to Information Act (Centre for Law and Democracy, 2024; Parmar, Rojasara, 2020; Kamble, 2019). Now, 123 types of RTI Acts are implemented in 140 Countries to ensure people's participation in a good governance process.

02.3. Transparency and RTI

Transparency is essential behaviour for public and private institutions. Transparency is the government's obligation to be open to data, accountable, and honest with citizens when allocating resources and spending taxes. Enhancing access to public information enacted transparency reforms in most countries (Rodriguez et al., 2023). Through transparency, citizens' participation and awareness will be developed. Transparency is fundamental to the Right to Information (Arshad et al., 2023). Transparency facilitates information flow, and RTI ensures information provision between the organisation and stakeholders (Zinia, 2018). Transparency and trust occur when citizens access essential government documents, data, or information. Transparency impacts the government's trust. If the government disclose the information, citizens' trust in the government institution significantly increases (Grimmelikhuijsen, 2020). The technical advantages of promoting "e-transparency" – this will ensure the effectiveness of RTI (Harrison & Sayogo, 2014). The RTI affects the public institution's trust. The RTI accesses public information, and the institution connects with citizen's requests; based on that, citizens develop trust in the public institution that responds to the request. (Rodriguez, 2023). However, most developing countries were not transparent in their action. The RTI will force the government to be transparent (Zinia, 2018).

02.4. Accountability and RTI

Accountability is the primary responsibility of the power holders. The citizens must possess some sanctioning mechanism whereby public officials should be held to answer for the performance expected by citizens. Government and civil servants are accountable

to citizens. The citizens need information about government decisions, and politicians and civil servants are responsible for providing the data. Transparency can make access to government information easy, but it will do little to prevent corruption. However, it should be accompanied by accountability (Sharman, 2012). The Right to Information Act increases government accountability by encouraging the participation of individuals and other non-governmental groups outside the public sector. RTI ensures accountability by using key components: explanation and justification (Shkabatur, 2012). RTI does not automatically ensure accountability (Arshad, 2023). The media and CSOs/NGOs are empowered through the RTI to access government information. Through the information, media and CSOs/NGOs ensure that the government is accountable for corruption, unethical decisions, and opacity (Singh, 2015).

02.5. Public Participation and RTI

Voting ensures citizens' full participation in the democratic system. However, it is insufficient for citizens to access government information and empowerment. The RTI empowers citizens to access government information and participate in the government system. RTI encourage citizens to participate in the democratic system every day through questioning and monitoring (Singh, 2013). Public participation in government depends on open discussion in democracy, policy inspection, and access to sufficient information (Arshad, 2023). Therefore, RTI ensures government policy and other development information are disclosed to the citizens, encouraging them to check the government's functioning and decision-making process (Klaaren, 2013). RTI empowers people by providing information to help them gain control of their own lives. This empowerment ensures public participation in government through citizen engagement and holds the government accountable (CPDI, 2012). The RTI is a tool for inherent participatory development and democratic governance and ensures the effective delivery of socio-economic service to citizens (Singh, 2015).

02.6. Anti-corruption and RTI

There is no specific definition of corruption. Transparency International defined “Corruption as the abuse of entrusted power for private gain”. This definition is accepted worldwide by scholars. However, Corruption is dishonest behaviour that people in positions of power exhibit for personal gain. Under the RTI regime, public departments are working transparently, and a better understanding of decision-making and accountability reduces corruption in the country (Singh, 2015). The information available will prevent government corruption (Naurin, 2010).

02.7. Good Governance and RTI

To achieve a good governance system, the government should be open and accountable to the citizens (Gochhayat, 2010). The RTI discloses the government’s opacity, unaccountableness, and corruption. RTI encourages citizens to participate in the governance system and access the truth to improve governance efficiency, commitment, and cooperation (Arshad, 2023). To achieve the good governance objective, RTI promotes fairness and public responsibility (Khan & Akhter, 2017). The RTI faces several challenges in South Asia due to the robust bureaucratic structures and corrupt politics. (Nigam, 2008). Information should be published proactively online to maintain a good governance system. To control the violation of RTI, the judiciary and ombudsmen should react and provide justice to the citizens (Zinia, 2018, p-820).

02.8. Fundamental Rights and RTI

This concept is essential for democracy worldwide. Fundamental human rights are crucial conditions for human life and are inherent in human beings without any agency interference. The RTI is a fundamental right to acknowledge and protect other fundamental rights, and the government must ensure that the entitlement is provided to the citizens (CPDI, 2012). The RTI plays a significant role in seeking the truth information

in cases of missing persons instant of international humanitarian law or national law (Azeem, 2023). The European, United States, and international communities have recognised RTI as a fundamental right (Hins & Voorhoof, 2007; Be Vier, 1980). The RTI plays a significant role in protecting vulnerable communities' rights. RTI reinforces the right to free, prior, and informed consent. It has also ensured social and economic rights, more equity, and better essential social services and protection (Zania, 2018, p-819).

02.9. The RTI in Sri Lanka

Sri Lanka faced a complex dilemma in the media information policy process. This complex has faced lots of challenges since independence. Therefore, Sri Lankan policymakers and politicians bought the RTI Act as a solution for the media information policy. Right to Information Commission in Sri Lanka and Arachchi, 2017 pointed out the RTI policy formulated process. Accordingly, in 1994, "Pothujana Peramuna Party" Media Associations and Civil Society Organization Supporter started to discuss RTI. Therefore, Minister Dharmasiri Senanayake's first written document, the so-called "Media Policy of the Government," was introduced to the cabinet in 1994.

In 1996, the Mass Media Ministry appointed the R.K.W Gunasekara Committee to reform the freedom of the press and freedom of expression law. According to the International Convention on Civil and Political Rights, the Gunaasekara Committee recommended RTI Law under the freedom of expression. The committee's recommendations further stated that the Act should be based on the following principles:

- Disclosure should become the rule of law rather than the exception.
- Everyone should have an equal right to access information.

- A person requesting information should not be required to justify its disclosure, and the onus of justifying non-disclosure of any information rests with the Government.
- Opportunity to seek relief in court against rejection of misrepresentation.

At BMICH in 1998 'The Colombo Statement discussed Media Freedom, Social responsibility and lack of provision for RTI. After that, the Sri Lankan cabinet approved the draft RTI act in 2004. The CSO and policy organisation submitted this draft. However, parliament dissolved during that period, and without parliament's approval, this bill also ended. The UN and Sri Lanka's government signed two conventions on Crime Prevention and the Convention Against Corruption. Based on This, in 2006, the Sri Lanka Legal Commission introduced the bill for RTI for the second time. RTI bill was submitted to parliament in 2009 by Justice Minister Milinda Moragoda. In 2010 and 2011, opposition member Karu Jayasooriya introduced the RTI bill to parliament. However, due to political pressure and conflict, the RTI bill was rejected.

However, in 2015, the good governance concept of the government enacted the process of the RTI Act to implement. The cabinet passed the 02nd November 2015 bill, and the 08th March 2016 bill was introduced to the parliament for the first reading. However, the RTI bill faced several legal problems in the Supreme Court and Parliament. Finally, Sri Lanka Parliament Speaker signed the act on 04th August 2016, and on 04th February 2017, the public got access to the RTI Act.

02.10. Theoretical Framework

This study was conducted using the Transparency and Accountability Continuum model. In 2006, Naurin's 'Transparency, Publicity, Accountability – The missing links' article discussed the principle-agency theory that transparency is the principal control 'agent'

does not engage in 'agency-shirking. The agents' transparency and accountability are based on their own interests rather than principal demands; it is not an automatic link. However, if people can see what is happening in the government, the agent's acts will be shaped based on transparency and accountability. Ensure government transparency and accountability; information availability, accessibility, and actionability are essential. The World Bank's Governance and the Law Report 2015 used Naurin's Transparency and Accountability Continuum model.

02.10.1 Transparency and Accountability Continuum:

The model proposes that transparency and accountability can be measured on a spectrum that ranges from more information disclosure to active citizen engagement. Different organisations and governments may fall at various points on this continuum, and the model can be used to assess their level of transparency and accountability (Sharma, 2021). Better citizen engagement makes government transparent and accountable. Furthermore, the Right to information promotes citizen engagement through government information disclosure.

Government Accountability is based on information disclosure; without this condition, citizens and other actors cannot participate in the governance process. In the democratic government process, elected and non-elected should be responsible for their action and decisions. In the democratic process, transparency is the essential step, accountability is the second step, citizen engagement is the third step, and these are key factors. The RTI is one of the tools for government accountability and transparency processes. Transparency is a crucial factor for accountability. (Gabriel, Antonio, Ramos and Marasigan, 2019). Transparency is disclosing and easy access to the information on administrative and political decisions of public interest to the electorate and external stakeholders. The relationship between transparency and accountability will give accountability; without accountability, transparency is impossible.

According to this model, effective government accountability depends on the information available, accessible, and actionable/accountable (Naurin, 2006; WB, 2017; Gabriel et al., 2019). This depends on the interests of the policymakers, leaders, and the public.

Naurin, 2006; suggest three conditions for government Transparency and Accountability Continuum. Those are,

1. Transparency practices in making information available
2. Publicity practices in making information accessible
3. Accountability practices in making information actionable

The connection between transparency and accountability is evident. Transparency is only effective when it provides information that is available, accessible, and actionable (Gabriel, 2020). The RTI Act ensures that information is available, accessible, and actionable, thus holding the government accountable. Engagement from the demand, supply, and complaint sectors is essential to meet these three requirements.

Government information availability and accessibility create an actionable process for the public; this information disclosure effective tool is RTI. People actionable will make the government accountable. This model helps evaluate Sri Lanka's government accountability continuum through RTI, Sri Lanka's transparency and accountability practices, and information that is available, accessible, and actionable.

According to the theory, the researcher made the conceptual framework for the study. The RTI Act is one of the tools for democratisation (Ghosh, 2018). Effective RTI Act needs information demand sectors: the public, NGOs, journalists, Activists, Community leaders, Academics, and Think tanks. Those actors demand information from the government. This process will ensure transparency in government sectors.

If demand sectors require information, supply sectors should ensure that information is provided or accessible. In Sri Lanka's context, the RTI Act is a recent tool for information disclosure. Public institutions and RTI Commission government entities ensure the information flow through the RIT Act. The information officer/designated officer is responsible for information disclosure at the root level. This person ensures Illiterate citizens access to government information. Other information supply sectors from the government are the RTI website and annual report. Social media and mass media are more responsible for supplying or publishing information to citizens. The demand sectors can push the government to disclose the information. However, the media are effective in conveying or exposing information to society. These supply sectors ensure the information for publicity.

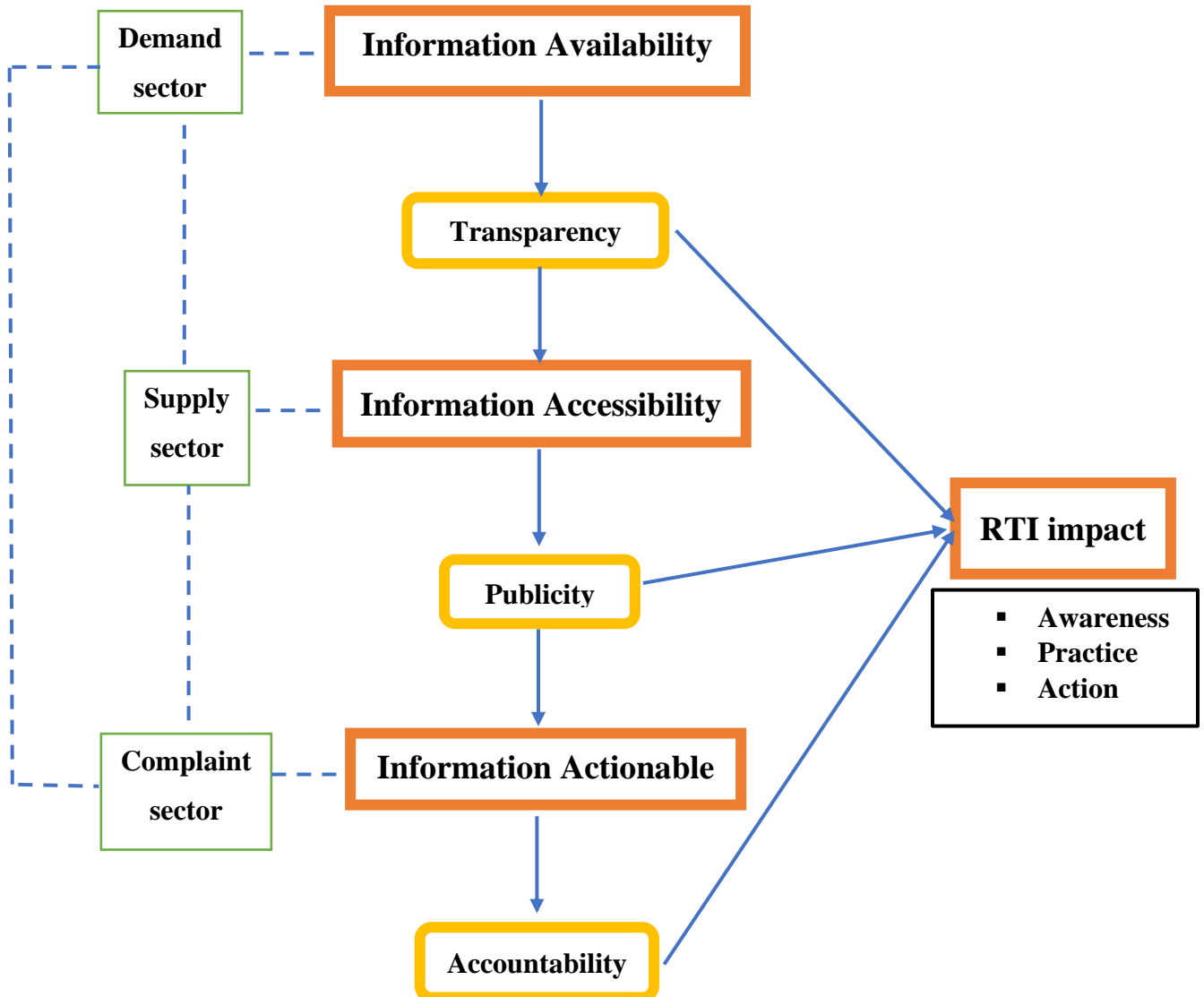
The RIT Act effectively holds the government accountable – information transparency and publicity are insufficient. Through the RTI Act, Complaint sectors/mechanisms are more essential for government accountability. The Complaint sectors are the Re-Appeal system, Judicial System, Legislative, Human Rights Organization, Law and Enforcement and International Agencies. Furthermore, RTI discloses government corruption and illegal activities that violate the constitution, and responsible actors should be punished or held responsible for their actions. These complaint mechanisms are more important in getting justice for victims. This Complaint system ensures government accountability.

Government accountability through the RTI Act will need information availability through the demand sector, which will make transparency or disclose information. Disclosed information needs to be published or exposed through supply sectors. Finally, exposed illegal action/decision information should have a Complaint mechanism for getting justice. These conditions ensure that the RTI Act holds the government accountable effectively. Government accountability will ensure democratisation in the nation. This will be explored based on the Transparency and Accountability Continuum framework.

In this study, the Transparency and Accountability Continuum Framework helps address the relationship between the demand, supply and complaint sectors in Sri Lanka. The demand sector seeks significant government information through the RTI Act. In most cases, the supply sector is denied– the complaint sector addresses the issues and provides justice to the demand sector. The information accessibility depends on the supply sector process and barriers to the right to information. This theoretical framework helps to understand the case studies in this study.

The theoretical framework provides an overview of ensuring Sri Lanka government accountability through the RTI Act information flow process. This theoretical framework further investigates that the RTI legislation increases transparency and accountability in the government system. The impact of RTI on information flow depends on RTI awareness, action, and practice. Government and private organisations provide training and workshops to the demand and supply sector, which impact the information flow and actionable information through the RTI Act to ensure government accountability. Awareness and practice of the RTI enhance legal rights, and access to information holds the government accountable. The framework will change according to the demographic status and importance of requesting information. For example, normal development or infrastructural development follows the information flow process. However, human rights and corruption information do not follow - it will take sectors and complaint flow process (This flow is clearly defined in Chapter 04). The theoretical framework helps define public institutions and government accountability and challenges through the RTI Act. The following chart shows the theoretical framework.

Chart 01 – Theoretical framework



Note: This conceptual diagram is based on Naurin, 2006 & Gabriel, Antonio, Ramos and Marasigan, 2019.

Information Availability - Public, NGOs, Journalists, Activists, Community Leaders, and Academics/Think tanks.

Information Accessibility - Minister of Mass Media, RTI Commission, Information Officer, RTI website, Annual Report, Mass media, and social media.

Information Actionable - Re-Appeal system, Judicial System, Legislative, Human Rights organisation, Law and Enforcement, and International Agency.

Chapter 03

03. Government Accountability Mechanism in Sri Lanka

03.1. Introduction

Accountability is a fuzzy word; it did not have to prepare a definition. The accountability concept emerged in political science from John Locke's superiority theory; Accountability is only possible for a representational democracy to be built (Lindberg, 2009). Nowadays, countries have different mechanisms to ensure government accountability. This chapter helps to understand the research problem of whether RTI helps improve government accountability and the research question of how RTI laws impact government institutions' transparency, responsiveness and accountability. Therefore, this chapter uses primary and secondary data to discuss how government and public officers are accountable to citizens and government accountability mechanisms in Sri Lanka.

03.2. Government Accountability in Sri Lanka

Government Accountability means that agents (Politicians and Bureaucrats) need to be able to be held responsible for their decisions and actions. The elected officials and public officials are answerable to citizens. In Sri Lanka, The *Aragalaya* (People's Protest) movement demanded a more accountable government, explicitly calling for corrupt politicians to be held accountable, public funds to be returned by officials, and more public scrutiny of elected representatives (Talayaratne & Weerasooriya, 2023). Therefore, this study analysed empirical data to demonstrate public opinion about government accountability in Sri Lanka.

Among the 15 information seekers interviewed, six respondents said that the Sri Lanka government's accountability increased after the RTI Act was enacted, and the

government ensured accountability most of the time. However, out of five information officers, three officers denied the question.

A community leader provided a comparison view on government accountability in Sri Lanka. The Aragalaya movement demanded more transparency and accountability in the government system. Therefore, the government changed, and citizens expected to be more accountable and transparent in the present government. The previous government was not held responsible for economic crises. Based on the respondent's statement, government accountability is ensured in the present government compared to the previous government. The statement below,

“Nowadays, government accountability has increased compared to previous years; the public can access the development works and other information. I think the *Aragalaya* movement created a huge impact on the government system. In past years, people have not been able to voice their opinions against the government. Still, no one takes responsibility for the economic crisis and failed mega projects.” (Community Leader, November 2024, at Colombo).

The NGO Executive mentioned that government accountability is problematic in Sri Lanka's government system. Previous and present governments have not taken any responsibility for their wrong policy. Sri Lankan policymakers and policyholders must take responsibility for past actions, but that has not happened. In this case, the demand sector seeks accountability for the government's past actions. However, Sri Lanka's government could not consider holding them accountable for wrong policies and actions. This situation questioned the government's accountability in Sri Lanka. The statement below,

“During COVID-19 and the economic crisis, government accountability was a question mark; the government did not take any responsibility for their wrong decisions. For example, it banned chemical fertiliser in 2020, printed lots of money and unwanted mega-projects.... Politicians and public servants were responsible for Sri Lanka’s bankruptcy. Therefore, People did not have a good level of trust in government accountability.” (Executive in National NGO, December 2024, at Colombo)

The civil war affected the North and East of Sri Lanka. After the Civil War, the government started to govern the North and East provinces. However, there are significant problems that have not been solved. People from the North and East have issues with the Sri Lankan government’s accountability. The statement below,

“I do not trust that the government has accountability. The civil war ended in 2009, but we do not know what happened to voluntarily surrender people and political detainees.... The government provided many promises based on livelihood development and removing Army camps in public lands, but it did not happen.... If we are doing any social events, CID police or army officers often come and investigate or interrupt; the government ensures every citizen in this country has freedom, but we do not have the freedom to do social events.” (Young Civil Activist, December 2024, at Jaffna).

03.3. Internal Accountability Mechanism

Various internal mechanisms ensure the Sri Lankan government's accountability, including constitutional bodies, legal frameworks, and independent institutions. These mechanisms are designed to promote transparency, anti-corruption, and accountability. The Constitution of Sri Lanka (1978) provides the foundation for government accountability. Fundamental Rights & Public Interest Litigation: Citizens can challenge government actions through the Supreme Court under Article 126 of the Constitution.

Several independent commissions were established under the 19th Amendment (2015) to reduce executive influence, but their independence was weakened under the 20th Amendment (2020) (CPA, 2020). The following mechanisms ensure government accountability in Sri Lanka with primary and secondary data.

Among the 23 respondents, three denied the question. However, among 20 respondents, 14 answered for Sri Lanka's internal accountability mechanism. They mentioned the Auditor General Department, COPA, Human Rights Commission of Sri Lanka, Judiciary, and Commission to Investigate Allegation of Bribery or Corruption. However, they did not have clear answers for government internal accountability mechanisms. Therefore, secondary data were used to understand the Sri Lankan government's internal accountability mechanisms.

03.3.1. Auditor General's Department

According to Article 154 of the Constitution of the Democratic Socialist Republic of Sri Lanka, the Auditor General is responsible for auditing government institutions, public corporations, and local authorities. RTI Commission sends its annual auditing report to the Auditor General's Department. It ensures that public funds are used efficiently and according to laws and regulations (UN, 2023; Anura, 2010; CPA, 2003).

Fourteen respondents and 10 respondents reflected for the Auditor General's Department. Every respondent mentioned that the Auditor General's Department is a key internal accountability system in Sri Lanka. Every public institution and enterprise must submit annual audit reports to the Auditor General's Department to ensure financial credibility. RTI Commission sends its yearly audit report through the ministry to the Auditor General's Department. If audit reports have any issues, public institutions must answer and take responsibility, and these institutions must face judicial processes to clarify the financial misuse or corruption.

03.3.2. Parliamentary Oversight Committee

The Auditor General submits annual reports to parliaments, which the Committee on Public Accounts (COPA) and the Committee on Public Enterprises (COPE) review. The committees should investigate if they find any issues in a report or misuse of the public fund. These committees ensure accountability in the use of public funds (Anura, 2010; CPA, 2003; Ramesh et al., 2013; Wickramasinghe, 2024)

Among 14 respondents, 09 talked about the Parliamentary oversight Committees, particularly the Committee on Public Accounts (COPA). An NGO person from Colombo's statement provided the overall view of COPA.

“COPA is the main public financial investigating committee in our country. In that committee, few parliamentarians participated in investigating financial misuse and corruption. However, those committees only give recommendations and suggestions and do not have punishment power.... I read the paper recently, and I know the committee decided to establish a technical committee to integrate information Technology systems across government institutions to enhance revenue collection efficiency, but this recommendation was not implemented slowly. Through this, we know this committee is only a suggestion committee..... but COPA encourages public institutions to ensure and improve financial stability through award ceremonies.”
(NGO person, December 2024, at Colombo).

03.3.3. Commission to Investigate Allegation of Bribery or Corruption (CIABOC)

Fourteen respondents answered the Commission to Investigate Allegation of Bribery or Corruption (CIABOC). This commission has an impact on government and government institutions' accountability. The below statement provides a comment on CIABOC's performance and impact on government accountability.

“The anti-corruption commission investigated my area urban council chairman's corruption. The chairman provided the shop licenses to his relatives for money. So, I complained to the commission. After further investigation, the chairman was convicted of corruption. Therefore, I believe the commission is an effective mechanism for government accountability in Sri Lanka.... However, the commission did not work efficiently in the Bond scam investigation, which may have happened because of political control or interruption.” (Journalist, November 2024, at Kandy)

The CIABOC commission is an independent body established under the Bribery Act to investigate and prosecute corruption-related offences. CIABO can investigate corruption, prosecute offenders, and recover assets obtained through corrupt practices. The Finance Crimes Investigation Division (FCID) – investigates financial crimes in public authorities. For some specific situations, Presidential Commissions of Inquiry Commissions are temporarily appointed to investigate significant corruption and government failures. (Talayaratne & Weerasooriya, 2013; UN, 2023; Hensman, 2023; IMF, 2023).

03.3.4. Election Commission

Fourteen respondents reflected on the election commission's impact on government accountability in Sri Lanka. Respondent answered that the Sri Lanka Election Commission's free and fair elections are the cornerstone of democratic accountability in Sri Lanka. This commission monitors politicians' campaign financing, enforces election laws, and holds public officials accountable for electoral misconduct.

03.3.5. Human Rights Commission of Sri Lanka.

Respondents answered that the Human Rights Commission of Sri Lanka (HRCSL) is an independent body that protects and promotes human rights in Sri Lanka; it monitors

government compliance with international human rights standards. HRCSL investigates complaints of human rights violations by state authorities and ensures accountability for abuses (Hensman, 2023; CPA, 2019).

“After the civil war, HRCSL conducted several initiatives to find human rights violations evidence and bring the accountability to war crime and other human rights incidents, especially, Prevention of Terrorism Act (PTA) and journalist murder.... However, HRCSL ensures the government is accountable in many local human rights cases, not at the national level.” (Journalist, December 2024, at Jaffna).

According to the above statement, clarify the failures of the HRCSL. Especially for the civil war crimes, PTA and journalist murders. HRCSL has a sudden level of power to push government accountability.

03.3.6. Office of the Ombudsman

The respondents did not answer clearly for the Office of the Ombudsman. However, the Office of the Ombudsman is vital to ensure the government's accountability. Therefore, secondary data was used to explain the office of the Ombudsman. The Ombudsman investigates complaints against public officials and government institutions for maladministration, injustice, or abuse of power. The Office of the Ombudsman recommends effective service delivery and ensures accountability in public service delivery (De Silva et al., 2020).

03.3.7. Judiciary

The judiciary in Sri Lanka acts as an internal accountability mechanism by interpreting laws and ensuring that government actions comply with the constitution. The courts can review executive decisions, investigate misconduct allegations, and hold public officials accountable through legal proceedings (UN, 2023; Ramesh et al., 2013).

Respondents mentioned that the judiciary ensured the government's accountability in Sri Lanka, and they believed the judiciary correctly maintained its standards. The below statement of the Community Leader from Mannar clarifies the judicial accountability.

“Judicial work the correct way. We think that the judicial system maintains its accountability, and corrupted politicians and government officers use loopholes in the law (Community Leader, December 2024, at Mannar).

03.4. The Function of RTI in Sri Lanka

The Right to Information Act was added to the 1978 Constitution by the 19th Amendment 12th section in 2016, ensuring Freedom of expression, including Freedom of the press (Ministry of Mass Media, 2019). Section 14 (1) (a) says that RTI is a fundamental right of Sri Lankans. The RTI Act section 43 mentioned that Sri Lankan citizens only request information using the RTI Act. Sri Lanka has the Right to Information Unit under the Ministry of Mass Media and RTI Commission. According to RTI regulation 03, Every public authority's RTI unit or information officer/designated officer provides information to the public.

03.5. Constitutional Accountability Mechanism in RTI Act in Sri Lanka

03.5.1. Scope of Application

Section 43 clarifies the citizen access information through the RTI Act: “The public authorities any recorded materials, including memos, recorded documents, opinions, e-mails, comments, suggestions, press releases, circulars, orders, reference books, agreements, reports, newsletters, models, model forms, correspondence, legal documents, books, maps, sketches, figures, graphic work, photograph, drafts, film, short-

film, sound tapes, videotapes, machine-readable reports, materials recorded in writing in some form, including computer reports, documentary, physical form or character ". Citizens can obtain the information 10 years before the Act becomes effective according to section 7 (3) (a).

Section 3(1) provision of the Right to Information Act ensures that "Every citizen shall have a right of access to information which is in the possession, custody or control of a public authority" (The Right to Information Act, 2016). Therefore, the RTI Regulations 3(1) and 4(4) mention that the public can request information verbally or written through mail, fax or on-site. The reply to the request will be given within fourteen days under section 25(3). information seeker requests information concerning the life and personal liberty of the citizen, and the information officer will be given a response within forty-eight hours. Section 25 (5) (a) (b) mentioned that sometimes information requests for a large number of records for fourteen days will be extended for a further period of not more than twenty-one days. However, the information officer should clarify the information seeker about information accessibility. The applicant requested information contained in four pages (A4 size) of photocopies or printing is free of charge, and chargers will be applicable for several papers increased following Regulation 18A (6)(1).

03.5.2. Refusals and Exemptions

Section 5(4) empowers the Commission to be strict on the application and denies application that the information requested will harm society or the country rather than society's public interest. Section 5(1) (b) (ii) discloses international agreements or obligations under international law. This section makes citizen opacity in Sri Lanka's international economic relationship. Section (c) (iii) discloses taxation; this section makes unequal wealth and rule distribution. In the National Audit Act No. 19 of 2018, Section 9 (1) (d) is the barrier to disclosing the information. According to the section, close the

information without prior consent given in writing by the relevant person or institution, providing it until the report is prepared and submitted to Parliament by the Auditor General. Section 6(5) the requested information denied based on section 5, but another part of providable information should be given to the information seeker.

03.5.3. Review Mechanisms

The RTI Commission has both internal and external review mechanisms. According to Act 14(a), the performance of public authorities is monitored and reviewed by the RTI Commission to ensure compliance with the RTI Act. Section 10 states that every public authority must submit an annual report to the RTI Commission. The RTI Commission prepares reports of its activities regularly, including annual reports. A copy of each report is sent to Parliament and the President. Within two weeks of being tabled before Parliament, the report will be available for public inspection at the commission office, on the website, and at other designated locations as specified in Section 37 (1) (2). The RTI Act section (17), (18), Constitution Article 154, and Finance Act, No.38 of 1971 mentioned that the RTI Commission's proper books of accounts to maintain the income, expenditure and other transactions and annual audit accounts should be submitted to the Auditor-General. Local and international organisations, individual researchers and research organisations are reviewing and evaluating Sri Lanka's RTI Act implementation and organisational structure.

03.5.4. Appeal Mechanisms

If the citizen is dissatisfied with the officer's provided information, the appellant can appeal to the named authority within 14 days of receiving the said reflection (Section 31). According to section 31 (1), any citizen can appeal for the following reasons: The information officer rejected the requested information, rejected the application under section 5, did not comply with the time frame of the RTI Act, false or misleading

information provided, information officer refused to provide the information requested form and reasonable factors to believe the requested information has been deformed, destroyed or misplaced. The information officer/designated officer should issue a receipt upon acceptance of the appeal within three days. Within 21 days, the officer will provide the reasons for the decision, including specific grounds for the appeal. The applicant is dissatisfied with the response that was asked for by the named officer. In that case, the applicant can file a complaint with the Information Commission within two months of receiving the response, according to section 32. However, if the Commission is satisfied with the valued reason for the appellant requesting the information after two months, the Commission can admit the appeal by section 32(2). The appellant dissatisfied with the Commission's decision may appeal to the Court of Appeal within one month of becoming aware of that decision under Section 34 of the Act. According to Article 136, judicial decisions will be made.

03.5.5. Proactive Disclosure

The RTI Act sections 7,8,9, and 10 clarified the proactive disclosure of information from every public authority. Every public authority must maintain all the records in electronic or physical format within a reasonable time, according to section 7. Every ministry publishes reports, including decisions, functions, entity structure, and budget allocation biannually, and these reports will be accessed by the citizens in official languages (section 8). Reports of public authority undertaking projects' information published trimonthly or biannually based on section 9. According to section 10, Every public authority shall submit annual reports to the commission. The RTI Regulation 20 clarifies that all public authorities proactively disclose information through digital, physical, and electronic formats.

03.5.6. Protection of Whistleblowers

"Whistleblower protection plays a significant role in public and private organisations. It refers to legal safeguards within the system to shield individuals who report organisation misconduct to the public" (Freshfields Bruckhas Deringer, 2019). This makes them exercise their right to free expression, and adequate protection mechanisms can encourage such disclosures. According to the UNCAC Convention Articles 32 and 33, the legislative and technical guide to the protection of whistleblowers is provided. (UNODC 2004, p-26; TI, 2014, p-6). According to the article, the US enacted the Whistleblower Protection Act (1989) and Dodd-Frank Act (2010); The EU passed the Whistleblower Directive mandates protections (2019); and in India, the RTI Act section 4 ensured the whistleblowers' protection (Pande, 2015; Freshfields Bruckhas Deringer, 2019). The Sri Lankan RTI Act Section 40 clarifies that if any public authority officer or employee discloses the information under the RTI Act, the public authority is not subject to any punishment, disciplinary or otherwise. This section ensures whistleblowers reveal information that complies with the RTI Act and protects them from internal and external obstacles to disclosing the information. This protection promotes transparency and accountability by allowing information officers to provide information according to the information seekers' request without fear of reprisal.

03.6. Governmental Institutional Accountability Mechanism and RTI Act

03.6.1. The RTI Commission

"On behalf of the RTI Commission, we are trying to ensure government institutions' accountability; sometimes, it is impossible. There are some special rules and regulations we cannot exist". (RTI Commissioner, January 2025, at Colombo)

The RTI Commissioner mentioned that the RTI Commission tries to ensure accountability for government institutions. However, Sri Lanka's other rules and regulations overlapped

with the RTI Act, and the RTI Commission could not pressure public institution accountability. Most of the time, the RTI Commission empowers the citizens to provide judgements for access to government information. RTI Commission is essential in implementing the RTI Act and ensuring justice among the citizens.

Among the 15 information seekers interviewed, 03 respondents firmly accepted, 11 respondents partly denied, and 02 respondents vehemently denied that the RTI Commission maintains its accountability and transparency.

The statement below shows how the RTI commission missed its accountability. According to the RTI Act, the Commission must acknowledge the appeal within two months, but this has not happened in this case. Through this, the RTI Commission sometimes misses its accountability to the proceeding system.

RTI's commission did not ensure accountability sometimes; I applied one year ago but have still not received any response. (Journalist, January 2025, at Colombo).

03.6.2. Public institutions

Among the 15 information seekers interviewed, 01 respondent firmly accepted, 05 respondents partly denied, and 09 respondents vehemently denied that the public institutions maintain accountability and transparency. The blow statement reveals the difference between RTI enacted pre- and post-period regarding public institutions' behaviour changes.

"Before the RTI Act, top-level government civil servants did not respond or give answers adequately; most of the time, they said if you asked more questions or gave any trouble, you would not get any benefits from us". Now, it has not happened. (Civil Activist, November 2024, at Monaragala)

Sri Lanka's bureaucratic culture is based on the “politicisation of bureaucracy and centralisation bureaucracy culture (Ramesh, 2023). The above statement indicates that accountability within Sri Lanka's public institutions is often lacking. However, through the RTI Act, public institutions should hold themselves accountable, and it will empower the citizens.

03.6.3. Accountability Actors

03.6.3.1. Social Activities CSO/NGOS

CSOs and NGOs are the watchdogs for Sri Lanka's governance system. These mechanisms expose government corruption and failures and advocate for transparency and human rights among the citizens. These organisations create pressure on government accountability in Sri Lanka. The below statement shows the CSOs and NGOs' significant role in holding the government accountable in Sri Lanka.

“NGOs and CSOs are more important in the democratic system. NGOs and CSOs have often been attacked by the government and its supporters in Sri Lanka. The main reason for these attacks was that NGOs and CSOs pressured the government to hold accountability, transparency, and anti-corruption.....NGOs publish reports/media statements based on the government system, mismanagement, power misuse, and corruption exposure. It will impact the Sri Lankan government system.... NGOs and CSOs are not only criticising the government but also providing capacity-building programs involving policy processes and providing suggestions on development projects.” NGOs and CSOs working for ordinary people are always accountable to the public.” (Civil Activist, January 2025, at Colombo)

03.6.3.2. Media

The media plays a significant role in holding the government accountable in Sri Lanka. In terms of the media, social media and mass media impact on the government accountability.

In this study, chapter 04 showed how journalists and mass media play a vital role in ensuring government accountability in Sri Lanka. Eastern province social activists and the teacher mentioned that social media and online platforms help to increase government accountability in Sri Lanka. Digital literacy impacts the governance system, and it tries to help correct services from government officials. The public reflects or posts online if government officials do not provide service or answer correctly. These online platforms impact government trust and accountability among people. Social media viral videos or posts impact the government's credibility and create other worldwide problems. To maintain credibility, the government holds them accountable for not being criticised on online platforms.

Technological improvements give power to the citizens; in any public institution, public servants or politicians are not doing their work; our people take videos and articles/comments, publish them on online platforms or social media, and then it will be a problem for them. That is the reason most officers ensure accountability in providing service. (Teacher, December 2024, at Batticaloa)

03.7. External Accountability Mechanism

Among the 20 respondents were the United Nations Rights Council, the International Criminal Court, the United Nations Convention Against Corruption, and the European Union's GST+, IMF and ADB mechanisms. However, they did not have clear answers for government external accountability mechanisms. Therefore, secondary data were used to understand the Sri Lankan government's external accountability mechanisms.

03.7.1. United Nations Rights Council (UNHRC)

The UNHRC monitors Sri Lanka's transitional justice, human rights, reconciliation and government accountability. Particularly during the civil war, multiple UNHRC resolutions addressed human rights violations, including Resolution 30/1 (2015), Committing to transitional justice, accountability, and reconciliation measures. This resolution established the truth-seeking and justice mechanisms. Sri Lanka co-sponsored this resolution. Resolution 46/1 (2021) Strengthened international monitoring of Sri Lanka's accountability efforts. It provided the Office of the High Commissioner for Human Rights (OHCHR) with a directive to collect evidence of civil war human rights violations (CPA, 2019; UN, 2023).

03.7.2. Universal Periodic Review (UPR)

The UPR process periodically reviewed the Sri Lanka government, where other UN member states assess its human rights record. The UPR recommendations are made to improve governance, human rights and accountability (Haniffa, 2018).

03.7.3. United Nations Convention Against Corruption (UNCAC)

The UNCAC is the first global anti-corruption treaty that has been legally bonded. It has a comprehensive framework to combat corruption through prevention, criminalization, international cooperation, and asset recovery (Hechle, 2010). According to the ODCECB, on 7th August 2024, 191 parties have ratified UNCAC. It applies to the public and private sectors, addresses preventive measures, and covers cross-border issues within the member countries (UNODE, 2023). Sri Lanka is a signatory to UNCAC, which requires states to implement anti-corruption measures and ensure accountability in public office. During Sri Lanka's economic crises, the IMF highlighted the importance of ensuring the UNCAC's guidelines. Especially independent anti-corruption commission, asset recovery, and public officials' asset declarations importance. Through the UNCAC guidelines, the Sri

Lankan government can increase accountability and transparency to ensure good governance (IMF, 2024). The review mechanism assesses Sri Lanka's compliance with its obligations (UN, 2023).

03.7.4. UN Special Rapporteurs and Working Group

The UN experts frequently assess Sri Lanka's adherence to international human rights, torture, and freedom of expression. The UN reports highlight the issue of accountability gaps, including the UN Children's Fund, UNDP, World Food Programme, and WHO (UN, 2025)

03.7.5. International Criminal Court (ICC) and Ad Hoc Tribunals

Sri Lanka is not a member of the ICC, but the ICC has been calling for international investigations into alleged war crimes. International pressure has led to discussions about establishing ad hoc tribunals or hybrid courts to ensure accountability for war crimes. The UK and US have used universal jurisdiction laws to take action against individuals accused of human rights abuses in Sri Lanka (ECCHR, 2019; Nandakumar, 2019).

03.7.6. International Financial Institutions

World Bank and International Monetary Fund (IMF) institutions monitor Sri Lanka's economic governance and fiscal accountability in the context of financial assistance programs. During COVID-19 and economic crises, the WB and IMF provided grand loans to rescue the bankruptcies. Asian Development Bank (ADB) supports governance reforms and accountability initiatives in Sri Lanka, especially in public financial management and anti-corruption. These organisations strictly make recommendations based on cost-cutting and ensure government financial accountability and transparency during economic crises (Socci, 2023).

03.7.7. International Non-government Organisations (INGOs)

Transparency International (TI) monitors corruption levels in Sri Lanka and advocates for a stronger corrupt-free country. Sri Lanka's ranking in the Corruption Perceptions Index (CPI) reflects the effectiveness of government accountability mechanisms. The Human Rights Watch (HRW), Amnesty International and the International Crisis Group monitor Sri Lanka's human rights issues and governance process. They publish reports, advocate for accountability, and pressure the government to address mismanagement and corruption (Ramesh et al., 2013; Ramesh, 2023; Hensman, 2023).

03.7.8. Bilateral Accountability Mechanisms

European Union (EU) has linked Sri Lanka to access the Generalized Scheme of Preferences Plus (GSP+). This trade benefits from its compliance with human rights and governance standards. Sri Lanka must demonstrate progress in accountability, rule of law, and human rights to retain GSP+ status. The United States has imposed sanctions on Sri Lankan officials implicated in human rights violations and anti-corruption. The US funding to ensure government accountability, anti-corruption, and promote human rights through USAID and other sanctions. According to the Global Magnitsky Act and sanctions, the US has sanctioned Sri Lankan military officials for alleged war crimes and imposed travel bans and financial sanctions on Sri Lanka's military (Nandakumar, 2019; Hensman, 2023).

03.7.9. International Treaties and Conventions

Sri Lanka has agreed to several international treaties that promote accountability, including the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture (CAT), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC). These

treaties are monitored by international bodies, which hold Sri Lanka accountable for violations, corruption and mismanagement (UN, 2023 & 2025).

03.8. Conclusion

Sri Lanka has external and internal accountability mechanisms to ensure effective governance. Among those accountability mechanisms, RTI is vital for citizen participation in the government process. Citizens have different perspectives on government and public institutions' accountability. However, respondents were aware of internal, not external, accountability mechanisms. Internal mechanisms are considered good governance, transparency, and the rule of law in the country. Therefore, the RTI Act functions to ensure government accountability. External mechanisms holding the Sri Lankan government accountable in human rights, anti-corruption and transitional justice. However, the effectiveness of those mechanisms depends on the willingness of the Sri Lankan government to cooperate and implement reforms.

Chapter 04

04. Case Studies

04.1. Introduction

The Right to Information's significant perspective is to increase transparency, accountability and trust in government, understand the government's decision-making, increase political participation, and expose corruption by improving government efficiency (Holsan & Pasquier, 2012). A precise investigation is needed to ensure RTI Act performance. For this chapter, three national profile case studies were used to analyse the performance of the Sri Lanka RTI Act. According to the Centre for Law and Democracy (2024), Sri Lanka's RTI Act implementation and functioning was ranked fourth globally and second in Asia. Most of the time, citizens can access local government information and data to hold local government accountable through the RTI Act, not the national government. (CPA, 2020, 2022). Government accountability is held significantly locally through the RTI Act in Sri Lanka (CPA, 2020, 2022). This chapter primarily aims to answer the research problems and questions first and second. Therefore, this case study mainly focuses on how the RTI Act ensures the national government's accountability and effectiveness of the RTI Act. Those case studies related to the RTI Act's success, obstacles, connection with other public institutions and structural challenges. These case studies are based on primary interviews and secondary case studies.

04.2. The Declaration of Parliamentarians' Assets information

Asset declarations are increasingly essential for promoting transparency and accountability among public officials, including parliamentarians and civil servants. These declarations help detect illicit enrichment and conflicts of interest (Hoppe, 2014; Trapnell et al., 2009). Asset declaration varies globally, with some countries requiring comprehensive disclosures of income, assets, and private interests (Tytko & Stepanova, 2019). Effective asset declaration systems need careful design and implementation,

considering factors such as the scope of officials covered, the types of information disclosed, and enforcement mechanisms (Trapnell et al., 2009). While some argue that asset declarations may compromise judicial independence, the anti-corruption benefits outweigh the potential risks (Hoppe, 2014). Asset declarations are part of a broader trend of increasing parliamentary diplomacy and engagement in global governance, reflecting the growing international role of parliamentarians and parliamentary assemblies (Stavridis, 2017). This trend underscores the importance of transparency measures in enhancing democratic accountability across different branches of government.

In Spain, members of the government, senior public officials, voluntary spouses, and relatives submit their asset declaration to the Spanish Conflict of Interest Office (CIO). The CIO ensures the disclosure by providing access to the information (OECD, 2011; Martini, 2011). The president's asset declaration is available in France, not the ministers' and MP's declarations. Sweden has no legal framework for the parliamentarians' asset declaration. However, USA's parliamentarians and civil servant must disclose their asset declaration to the Office of Government Ethics (OGE). Upon public request, the information disclosed by the OGE must be asserted (TI, 2015). Afghanistan, Tajikistan, and Nepal parliamentarian asset declarations were not disclosed publicly. In Pakistan and Bangladesh, parliamentarians' asset declarations are available for public access, but the law is not implemented correctly. However, the Indian parliamentarians' asset declaration does not require the declaration to be made publicly; it is accessible through the RTI Act. (Martini, 2013).

The declaration of Sri Lanka parliament members' assets information is closed until 2023. They had submitted the information on assets only as a report to Parliament. In 2018, a journalist, Samara Sampath, applied to the Parliamentary Information Officer through the Right to Information Act, seeking the names of the members of parliament who had made such announcements. In 2018, the names of those who had submitted their property details to Parliament between 2010 and 2018 were requested.

However, the Parliamentary Information Officer rejected this application, saying that an application should be made to the Speaker of the Parliament to obtain this information based on the Assets and Liabilities Act No. 1 of 1975. This was also the opinion of the designated officer of Parliament. According to Section 32 of the Freedom of Information Act, the journalist appealed to the Information Commission. The Commission considered the matter and heard arguments from both sides. Concluding that these details can be obtained through the RTI Act, the Commission rejected the reply of the designated officer of the Parliament and ordered that the information requested by the journalist should be provided (CPA, 2021).

According to its resolution, Parliament is a body of public authority under the RTI Act. Only one Information Officer and Designated Officer are appointed. The Speaker of Parliament is seen as a separate administrative unit within the Parliament. It was said that since the Parliamentary Secretary General has the authority to provide information to the Chief Executive Officer of the Parliament, he should give this information. ((Thassim, 2023, March 1; The Sunday Times, 2023, March 05).

Since the details of MPs who have declared their assets and liabilities to Parliament are requested, the commission also said it would not breach the Assets and Liabilities Act No. 1 of 1975, which protects the confidentiality of their asset details. However, challenging the order of the Commission, the Deputy Secretary General of Parliament and designated officer to file a petition (under the RTI Act) in the Appellate Court against journalist Chamara Sampath (CPA, 2021).

According to this, both filed a petition citing 15 reasons. It was stated in the petition that the order and decision of the Commission were wrong and that the Commission had violated the country's law by determining the Parliament of Sri Lanka as a General Authority (Thassim, 2023, March 1).

Further, the Commission erred in law by concluding that there was no bar to the Parliamentary Secretary General to disclose the requested information. It was also stated that the Commission failed to note that the Declaration of Assets and Liabilities Act is a special Act regulating all aspects. While the Commission failed to accept that the provisions of the Assets and Liabilities Act No. 1 of 2016 were superior to the provisions of the Common Law Act No. 12 of 2016, the Right to Information Act, the petition also asserted that under the Right to Information Act, disclosure of information about the assets and liabilities of members in parliament would be a violation of parliamentary powers and privileges (Thassim, 2023, March 1).

The petition was taken up for hearing before Hon'ble Appellate Judges Sampath P. Abhayakon and P. Kumararatnam. After arguments, the Court of Appeal of Maine announced its decision on 28/02/2023. (The Sunday Times, 2023, March 05).

When Justice S.B. Abhayakon mentions, "The people elect members of Parliament. They are expected to abide by any law of the land and set an example for others. Any person who falls under the Assets and Liabilities Act shall be guilty of an offence punishable by failure to give notice. They can be punished with a fine, imprisonment, or both. The general public needs to know whether the concerned MPs or officials have acted according to the law. The only way to do that is to get those lists under the Right to Information Act, and even though the information should be with the Speaker of Parliament, there are no restrictions on the Secretary General of Parliament being the Chief Executive Officer of the institution called Parliament. He is the company's official and has to inquire about and provide the list of names requested by the respondent under the Right to Information Act. This in no way, in my view, constitutes an infringement of the Speaker's powers. Moreover, the Secretary-Gener is to go on a search operation in that regard. Because the Speaker has the relevant information, the provisions of the Freedom of Information Act apply to Members of Parliament as well. The Right to Information Act was created to fight corruption and accountability and promote good

governance. In contravention of that purpose, no permission is given to an information officer or designated officer of a public authority to refuse to provide information. Therefore, the petition of the Parliamentary Secretary General is rejected, and the order of the Information Commission to disclose the names and details of the MPs who disclosed the assets and liabilities is confirmed” (Daily FT, 2023, March 01)

04.2.1. Discussion

This is the first time since the introduction of the RTI Act in 2016 and the formation of the commission that a petition has been filed in the Appellate Court against a decision of the commission. However, journalists and civil society members have expressed their happiness that the court's verdict gives hope to all those seeking the right to information. Parliamentarians are the leading policymakers and decision-makers for public affairs in Sri Lanka. Therefore, they hold power and authority to access government properties and public money to initiate community development-based programs/projects. Therefore, parliamentarians can abuse their positions for personal financial gain and have bribery or corruption in public money. This case study judgement revealed that parliamentarians assert that declaration is essential to counter corruption and ethical governance and ensure transparency and accountability.

The case study proved that the RTI Act effectively holds the government and their members accountable and transparent. The citizens did not access the Sri Lanka parliamentarian's asset declaration. This will lead to opacity in parliamentarians' corruption, abuse of power, ethical politics, and public trust (Hoppe, 2014). However, this case study showed the success and importance of the RTI Act in implementing it in Sri Lanka to disclose politicians' wealth. Therefore, public trust will increase, ensuring MPs comply with the legal system and promoting a culture of clean governance through investigative reporting and activism by journalists, CSOs, and citizens (Martini, 2011; Martini, 2013).

According to this study framework, the demand sector (Sampath) requests the available information through the RTI Act; the supply sector (Parliament information officer) denies the information; the demand sector reaches the complaint sector (Court), and through the complaint sector, information availability and accessibility are ensured. Through information availability and accessibility, government accountability and transparency are ensured. Based on the judicial decision, journalists and the public get parliamentarians' asset information to ensure anti-corruption. The RTI Act practice, actions taken, and awareness generated hold public authorities accountable. To promote a good government system and anticorruption, the public should have access to check politicians and government official assets information based on public interest. The parliament closed the Sri Lankan Parliamentarians' asset information. Through the RTI Act, parliamentarians' asset information was disclosed to ensure transparency and accountability.

However, the RTI Act could not access information on the parliamentarians' family and relations assets, as Sprain's asset declaration system did. Some parliamentarians did not submit their asset information to the parliament speaker; no mandatory law exists. In this case, the RTI Act could not access the politician's asset information; section 5 said personal asset information was not revealed (Weerasekara, 2024; Sumanadasa, 2023; Saujan, 2022). This section provides the exception to close the asset information. Therefore, politicians and their families should publicly reveal their assertive information to ensure that clean politics counter corruption and do not misuse power. Therefore, the RTI Act should be changed to access information about politicians' assertions. However, this case study showed that the successful RTI Act ensures government accountability.

04.3. Discovered Two Jaffna University Students Shot by Police

The right to information (RTI) is crucial for the rule of law and procedural justice. It enhances good governance, transparency, and a collaborative society (Kovač, 2014). RTI is fundamental in empowering citizens to access government information, whereas

judicial activism has corrected procedural approaches to favour the more substantive rule of law principles (Safitri, 2018). The procedural aspect of the rule of law, often neglected in jurisprudential literature, includes natural justice and due process, emphasising the right to argue in court about the law's interpretation and application (Waldron, 2010). International procedural rights, such as access to courts and effective remedies, are vital for the international rule of law, especially given the absence of centralised enforcement mechanisms. These rights mobilise domestic legal systems to support the international rule of law, with domestic courts as a crucial link in the RTI process (Beinlich, 2019).

RTI laws improve accountability among law enforcement agencies by mandating clear practices for information sharing and public oversight (Dokeniya, 2013; Sharma, 2013; Ejitagha, 2019). RTI enhances accountability when law enforcement agencies adopt proactive information release, citizen engagement, and timebound responses. However, its success ultimately depends on supportive governance and robust institutional capacity (Sultan & Anwar, 2023; Sharma, 2013; Dokeniya, 2013; Ejitagha, 2019). Effective government accountability depends on the responsibility of politicians and civil servants. However, politicians and bureaucrats did not take responsibility for their actions; government accountability was questionable. Effectively using the Right to Information Act can identify the unaccountable government officer. Sri Lankan journalist Tharindu Jayawardene exposed the mystery behind the Two Jaffna University students' death in 2016.

Sulakshan from Chunnakam studied media, and Gajan from Kilinochchi studied political science at Jaffna University. According to the postmortem report, they died on late 21st October 2016 in the early morning. Sulakshan had taken his friend to a social event the previous day and had been returning on his bike to drop Gajan. Police shot them allegedly for disobeying orders to stop their motorcycle at a roadblock at the Kulappidi Junction. (Adams, 2016, November 6; Colombo Telegraph, 2016, August 5.

At 1 PM on October 21, the police reported an accident involving a motorcycle that veered off the road and collided with a wall. The report also indicated that students under the influence of alcohol were involved in the incident. However, local politicians and community members have protested, demanding a thorough and impartial investigation by the government (Jayawardena, 2018, October 03; Jayawardena, 2017, October 20).

Involvement from Opposition Leader Mr Sambanthan and the public prompted former president Mr Maithripala Sirisena to inform the authorities, including the Inspector General of Police, to conduct an investigation. The Criminal Investigations Department (CID) was called to investigate, and a post-mortem examination was conducted at the Jaffna Hospital. The CID subsequently arrested five police officers on suspicion of involvement in the shooting. However, the status of the court proceedings in this matter remained unclear. The accused police officers were granted bail (Fernando, 2016, October 22).

In 2016, Sinhala journalist Tharindu Jayawardane submitted an RTI to request the post-mortem reports of Sulakshan and Gajan. The reports revealed that Dr U Mayurathan conducted Sulakshan's post-mortem. At the time of death, he was wearing a white t-shirt and black and dark blue shorts, and his clothes were covered in blood. The post-mortem report states that there were about 750 grams of undigested food in the student's stomach, and no alcohol was found (Human Rights Commission in Jaffna, 2017; Jayawardena, 2017, October 20).

Although the police said that the two students were shot while riding the motorcycle continuously, the post-mortem revealed that the bullet entered the chest of Sulakshan, who was riding the bike. There was a hole about a centimetre in diameter where the bullet had entered. Three cuts, 14 scrapes and two fractures were also found in various parts of the body during the post-mortem (Human Rights Commission in Jaffna, 2017; Jayawardena, 2017, October 20).

The autopsy of Gajan, who died in this incident, was also conducted by Dr. U. Mayuradhan. At the time of death, the student wore a black t-shirt and shorts from the Jaffna University Law Students Association. Seven cuts of various sizes, scrapes and broken bones were also identified during his autopsy. His brain has also been injured. Gajan had about 600 grams of undigested food in the stomach, and he was also not drunk. The post-mortem report states that Gajan died due to multiple injuries to the chest caused by a non-sharp blow, and Sulakshan died due to bleeding due to damage to the main blood vessels in the chest by a bullet fired from a rifle (Human Rights Commission in Jaffna, 2017; Jayawardena, 2017, October 20).

The allegation made by the police that the two students of Jaffna University who were shot dead by the police were under the influence of alcohol at the time of the shooting is revealed to be untrue. Sulakshan was driving the motorcycle and did not get the benefits of his insurance because the police said he disobeyed orders and was drunk. However, according to the autopsy report, it is revealed that the police shooting happened when Sulakshan was driving the motorcycle (Human Rights Commission in Jaffna, 2017; Jayawardena, 2017, October 20). Through the RTI, Journalist Tharindu Jayawardane exposed the police opacity and unaccountable action. Based on the autopsy report, five police officers were arrested and facing legal proceedings.

04.3.1. Discussion

Law enforcement is essential in maintaining order, protecting citizens and ensuring the rule of law. In law enforcement, the police department is a significant sector in the society. However, sometimes, police departments lose the public trust and credibility for their unaccountable action. This case study showed that the RTI Act successfully revealed the truth about Sulakshan and Gajan's deaths. The RTI Act holds government institutes responsible for their opacity and unfairness actions.

Proactive disclosure, legally mandated response times, and establishing oversight bodies such as RTI commissions and judicial promote transparency and reduce corruption (Gómez, 2019). In this case, proactive disclosure of the information did not happen. The police department was stranded for the police officers, not for the victims. This is against the rule of law and procedural law because the police want to support justice and legal systems, uphold the rule of law, protect citizen's rights, and prevent crime and violence (Dokeniya, 2013; Ejitagh, 2019). However, this case study did not follow the law enforcement key aspects.

This case study is evidence that the RTI Act can reveal law enforcement's opacity and unaccountable actions to hold them responsible. This is one of the successful cases in which victims were treated fairly with the support of the RTI Act in Sri Lanka. To support and prove the victim's innocence, common people had violent protests, but Tharindu's RTI Act practice, action and awareness solved this case according to the rule of law. This is a good sign of the RTI Act's impact on the country. If public institutions cause unfairness, people do not want to participate in violent protests; their legal rights awareness, practice, and action bring fairness to victims. However, accessing the information is a crucial problem in these cases; the RTI Act empowers citizens to access the information to prove their innocence.

This case study reflects the information flows, information sectors' actions, and the impact of the RTI Act according to the theoretical framework. This case study reveals that the RTI Act ensures that information is available, accessible, and actionable, thus holding the government and public officers accountable. Police departments are opaque about the case information and have raised fake allegations against university students. However, through the RTI Act, the post-mortem reports revealed the truth. Engagement from the demand, supply, and complaint sectors ensured the government's accountability through the RTI Act in Sri Lanka. The RTI ensures information access through the supply sector to the practised and awarded demand sector. The demand

sector will empower and investigate the public institutions' unaccountable and opacity. Therefore, the demand sector holds the public authorities accountable and transparency to ensure good governance practices.

04.4. Opacity in Voluntarily surrendered LTTE members' information.

Right to Information (RTI) Act enables citizens to access information, scrutinise government actions, and expose corruption (Sharma, 2021; Kumari, 2024). RTI has its roots in grassroots activism and democratic politics, addressing citizens' discontent over abuses of power (Ghosh, 2018). The Act has facilitated increased disclosure of government information, improved citizen participation in governance processes, and strengthened democracy in good governance, characterised by transparency, accountability, and participation (Kumari, 2024). However, the effectiveness of RTI in eliciting accountability is enhanced when citizens organise collectively and work through political institutions (Ghosh, 2018). RTI has become a central element in societal actors' demands for direct accountability and supporting mechanisms such as public hearings and law enforcement (Pande, 2007). Accountability is a crucial factor in public administration and service delivery. Public institutions' answerability should be ensured for effective service delivery and good governance practices. Law enforcement accountability is more important to maintain public trust, ensuring justice and the rule of law. Without accountability, the legitimacy of law enforcement and the justice system can be undermined. Sri Lanka faced several issues based on wartime crimes.

During the civil war period, Liberation Tiger of Tamil Eelam (LTTE) members voluntarily surrounded the government and Army in Sri Lanka (CPA, 2020). On 4th April 2019, Nirosh Kumar requested the voluntarily surrendered information about LTTE members from the Sri Lankan Army. This RTI request shows how public institutions ignore transparency and accountability.

Information was sought from the Army through RTI to provide information regarding how many Tiger cadres and other civilians surrendered to the Army, the Army Commanders who took charge of them at the time of surrender, the Army unit that took charge and the actions taken against those who surrendered. On 06th May 2019, the Information Officer replied to the applicant, saying that the application had been directed to the Department of Official Language for a Sinhala translation. After the translation is received, further processes occur. Thereafter, the information Officer replied via letter on 25th June 2019. In the following manner,

“The LTTE members have not surrendered to the Army during the war’s final stage, but to the Sri Lanka Government. The Bureau of the Commissioner General of Rehabilitation is the authorised institution to act concerning the surrendered LTTE members. The expected information can be obtained from the Commissioner General of Rehabilitation institution. The address of the institution is mentioned below.

288/12L, Royal Gardens, Sri Jayawardanapura Mawatha, Rajagiriya.” (RTI, 2022)

The applicant was dissatisfied with the reply by the Information Officer. Therefore, an appeal was filed against this in the Right to Information Commission on 03.10.2019. However, for various reasons, including COVID-19 and economic and political crises, the appeal was considered after three years on 03.11.2022 (Sathangani, 2024, April 05; Thangavelu, 2019, July 11 & Maruf, 2022, November 09).

The RTI Commission had ordered journalist Nirosh Kumar to provide a detailed written submission to the Army proving that the Army had information related to the surrendered LTTE. The Army was also directed to submit a written submission within 14 days in response to this written submission. According to this, on 01.12.2022, the applicant had given a written submission to the Army containing various evidence of ex-militants surrender to the Army. In the Right to Commission (2022) report, the appellant included evidence,

- The appellant submitted an RTI request for information to the Bureau of the Commissioner General of Rehabilitation on 28. 07. 2019. It replied on 04. 08.2019, 10790 LTTE members had surrendered to the Sri Lanka Army.
- On 21.05.2013, the Leader of the House, Dinesh Ganawardena, answered the Parliamentary question numbered 340/13 – Under the Bureau of the Commissioner General of Rehabilitation, surrendered ex-militants were rehabilitated. However, those who had surrendered names cannot be revealed to protect their identities.
- At a press conference in October 2019, the Secretary to the Ministry of Defense mentioned that in the last stages of the war, 13,784 people had surrendered to the Sri Lanka Army. The high levels of government officers acknowledged that LTTE members had surrendered to the Sri Lanka Army.
- According to the Lessons Learnt and Reconciliation Commission (LLRC) Report, paragraphs 4.217 and p. 103 mentioned that the Sri Lankan Army had taken into the surrendered LTTE members, and the Army registered their details and maintained a database with this information.
- In the media, several Statements have been made by official representatives of the Sri Lanka Army. The report was published in The Indian Express, BBC, Sunday Times, and Sri Lanka Mirror.

In response to this written submission, the Sri Lankan Army is required to submit a written submission within 14 days, but the Army has not submitted the written submission till 04.01.2023. However, the Public Authority requested further time to gather the

information from relevant institutions. Incidentally, the public authority submitted the information on 16.01.2023.

In the report's summary, in the last stage of the war, the Army mainly focused on internally displaced people's humanitarian assistance. Therefore, the public authority did not maintain any statistical information. The Public authority handed over all voluntarily identified LTTE members to the Bureau for rehabilitation. One thousand five hundred ninety-eight surrenders were rehabilitated upon court orders. The filed case is not under the purview of Public Authority, and the Appellant may get that information from the relevant Authorities.

According to the response, the Sri Lankan Army has not responded to any information requested by the Appellant. Therefore, the Appellant filed further submissions dated 23.01.2023. However, the RTI commission was satisfied that the Sri Lanka Army was not in 'Possession, Custody and Control' of the information (Ceyone News, 2024, April 6). Therefore, the RTI commission rejected Nirosh's application, stating that the information he had provided was insufficient to convince them of the availability of the facts with the army.

According to the RTI Act, if the applicant who requested this information is unsatisfied, they can also seek redress from the courts. The applicant filed a case at Appeal Courts, seeking the court's intervention in obtaining the information. The case was taken up before Appeal Court judge D.N. Samarakoon on 2023.02 07. The appeal court proceeding is ongoing (Geetha, 2024, February 09).

Sri Lanka's government and other international entities work to establish a good governance system after the Civil War. However, without solving the problems within the country, a good governance system and country development are not possible. Among the Northern and Eastern Tamil communities, war crimes and forcefully missing persons

are crucial problems, and this problem is taken to the international judicial system. This case study shows that the RTI Act in Sri Lanka has significantly promoted government accountability. Sometimes, the RTI Act could not ensure government accountability due to persistent challenges due to information availability and acceptability (Maruf, 2022, November 09).

04.4.1. Discussion

This case study reveals the opacity of the war period regarding accountability in public institutions in Sri Lanka. In a democratic society, public institutions and government must take responsibility for their action and decisions. The reason is that public institutions ensure public safety and order, uphold the rule of law, support justice and legal systems and enhance community trust and cooperation. However, post-civil war period in Sri Lanka, the Army and the government faces human rights violations and opacity of the surrendered LTTE member information in the national and international judicial systems. This case study also reveals the opacity of the Army and other responsible institutes' actions during the civil war.

This case study highlighted that the RTI Act did not hold the government accountable for civil war actions. In this case, the RTI Act failed to access the information regarding the LTTE member's surrendered details. However, the Army is the major security sector for the countries. Therefore, they must maintain transparency and be accountable for their actions in sensitive countries' peace and reconciliation issues, but this has not happened in this case. This is not a human rights violation; it impacts the public institution and law enforcement's trust and credibility issues.

The Sri Lanka RTI Act's main objectives are ensuring public authorities' transparency and accountability, empowering citizens, and promoting good governance values. However,

this objective was not achieved through the case study. Even the RTI failed to spot the public authority responsible for this RTI appeal. However, the appellant approaches the complaint sector to disclose the information regarding the voluntarily surrendered LTTE member's information. Judgment will clarify the RTI Act's impact on the future judicial system in this case. However, the RTI Act did not impact the Army and other responsible public authorities in taking responsibility in the present. This kind of sensitive RTI applies a negative process, making the RTI Act too weak, and people will distrust the Act.

According to the theoretical framework, the disclosed information needs to be published or exposed through supply sectors to ensure government accountability and transparency. This did not happen in this case study. The appellant submitted evidence to hold public authority accountable and transparent, but the supply sector denied it. If the supply sector closes, the information demand sector can reach the complaint sector. Through the complaint sector, information can be disclosed to the demand sector, and the supply sector should be accountable for its actions and decisions. For this awareness, practice and action on RTI are required.

The Army proactively disclosing or providing access information about the LTTE members information will lead to information availability. That information availability ensures information access and action processes to maintain the public institution's accountability and transparency. However, the Army and other responsible institutions did not take responsibility for various political reasons. This situation creates disappointment in the community and negatively impacts ethnic solidarity and reconciliation.

Chapter 05

05. Challenges and Obstacles of the RTI Act to Promote Government Accountability

05.1 Introduction

Sri Lanka's Right to Information Act stands for the transformative of progressive and pro-citizen legislation (Ramesh, 2023). Furthermore, the RTI Act is an open key to Citizens' crucial demands for access to government information; through this, citizens can hold the government accountable. Although many positive aspects of the RTI Act are currently in force in Sri Lanka, there are significant obstacles to promoting government accountability through the RTI Act. The RTI Act cannot achieve its objectives due to obstacles and challenges. Therefore, the RTI Act does not help the country develop. This chapter discusses the primary data to answer the research question of the obstacles of the RTI Act to promote government accountability.

05.2 Bureaucratic Obstacles

Right to Information (RTI) laws in various countries reveal several bureaucratic obstacles in the implementation process (Rodríguez & Rossel, 2018; Wirtz et al., 2015). These include a lack of public awareness, bureaucratic indifference or hostility, and an entrenched administrative culture resistant to transparency (Adjin-Tettey, 2023; Roberts, 2010; Rodríguez & Rossel, 2018; Vadlamannati & Cooray, 2016). Poor planning by public authorities, inadequate training of information officers, and weak enforcement mechanisms further hinder effective implementation (Roberts, 2010; Relly et al., 2020). In Pakistan, high administrative burdens on citizens and a lack of political interest contribute to the RTI law being largely ceremonial (Bashir & Nisar, 2020). India's experience shows that while the RTI Act is progressive, its implementation is hampered by a bureaucratic culture and insufficient oversight and coordination (Relly et al., 2020; Sharma, 2013; Pujari & Joshi, 2024).

Sri Lanka's bureaucratic culture is based on the “politicisation of bureaucracy and centralisation bureaucracy culture (Ramesh, 2023). This Bureaucratic culture affects the information disclosure and reporting system in the RTI Act.

“I have worked for almost three years as an information officer in this public office. When I received the RTI application, I tried to provide correct and complete information. However, I get the designated officer's and other higher officials’ approval to send the reply. Most of the time, my higher officials did not agree to send complete information. Therefore, I send concise or Yes/No answers without complete clarification.”
(Information officer, November 2024, at Nuwara-Eliya).

This statement reveals that information officers try to provide complete information to the citizens, but Higher officers interrupt and deny it. The reason is that public authorities provide complete information- if citizens identify any other issues that could be problematic for politicians and public officers. The public authorities had no separate officers to deal with the RTI application. One of the officers within any division in public authorities was appointed as an information officer. In this situation, officers' involvement and effort is questionable.

The previous Information Officer resigned, and I was recently appointed as a temporary Information Officer. However, I am a Development Officer. I want to do the Development Officers tasks and the Information Officer tasks. Sometimes, it has been too pursued for me.... I started the work during the economic crisis, during which the public sent many RTI applications related to the subsidy and development project. I struggled a lot..... I studied Human Rights during my school time and did not study about RTI; therefore, sometimes, I am confused between RTI rights and Human Rights.... I did not receive any training or workshop programs from the government. The NGO called Federation of Sri Lanka Local Government Authorities (FSLGA) provides training.”
(Information Officer, January 2025, at Colombo).

This story reveals that the Information Officer did not have enough knowledge and awareness about the RTI Act and the Human Rights Act. Since the law was enacted, the NGOs and RTI Commission have conducted RTI Act workshops and programs for information officers. After the economic crisis, workshops and programs stopped; nowadays, only a few NGOs provide training and workshops to Information Officers, not the government sector. In this situation, newly appointed information officers struggle with the RTI application.

The Public Authority's Designated Officer can reject the applied case without valid reasons. They only mentioned section 5 and did not provide any valid reasons. Instead, the information provider said we did not have the records.

In Chapter 04, Nirosh Kumar applied the Information of the LTTE who surrendered in Sri Lanka's final war. Furthermore, the Sri Lanka Army (Information provider) replied that we did have data. LTTE directly surrendered to Sri Lanka's Government. However, there is much evidence based on the LTTE voluntarily surrendered to the Sri Lanka Army. However, the fact that the request was returned stating that the information could not be found has brought out the flaw in this law.

I applied the RTI to the Ministry of Education a year ago.... however, I did not receive any reply until two months. After, I conducted the ministry regarding the issues. They claimed I did not send any application related to RTI and that they had not considered my request many times. I sent related documents and registered post slips in the email, and they found my application and replied to my request..... This is not the first time many times public authorities have taken a long time to respond. If we raised the question about the responding period... they said we were too busy or the information collection process was too long..... (Journalist, November 2024, at Hatton).

The reply to the request will be given within fourteen days under section 25(3). Information seeker requests information concerning the life and personal liberty of the citizen, and the information officer will be given a response within forty-eight hours. Section 25 (5) (a) (b) mentioned that sometimes information requests for a large number of records for fourteen days will be extended for a further period of not more than twenty-one days. According to the above statement, the information officer did not follow the timeline for responding to the RTI application. This will make the citizens demotivate the system, decreasing public participation in the political system.

05.3 Institutional Concerns

The Right to information does not work alone; for effective implementation, public authorities should cooperate with the RTI Act. Public institutions play vital roles in effective service delivery. The institutions' obstacles are barriers to the effective implementation of the RTI Act. Implementing the Right to Information Act (RTI) faces several institutional challenges. These include bureaucratic resistance, lack of political will, and insufficient oversight mechanisms (Relly et al., 2020; Roberts, 2010). Poor planning by public authorities, uneven public awareness, and strained enforcement mechanisms due to increasing complaints and appeals hinder effective implementation (Roberts, 2010; Jha, 2021). In Nigeria, ambiguities in the law, lack of sanctions for non-compliance, and a pervasive culture of not keeping records in public institutions pose additional obstacles (Udombana, 2019). India's RTIA implementation is affected by bureaucratic secrecy, weak leadership, and inadequate capacity building (Relly et al., 2020; Acharya & Mahanti, 2024). However, this study found the RTI Commission's lack of infrastructural, media companies, and newly established local governance infrastructural issues. This finding not raised in previous studies.

05.3.1 RTI Commission

The RTI Commission oversees the implementation of the RTI Act and ensures that public authorities comply with their obligations. However, the RTI Commission faces several obstacles to promoting government accountability through the RTI Act.

At present, the RTI Commission is facing a significant infrastructural problem. RTI Commission did not have separate or comparable venues and insufficient staffing to serve the people. According to the RTI Commissioner's statement, the RTI Commission functions with insufficient resources and power.

The RTI Commission receives approximately 30 to 40 appeals every week, but we are running out of staffing. 11 out of a staff cadre of 26. Out of these, we have one legal officer only, four legal assistants and one legal researcher. The 15 staff collective tasks are among those of other public institutions. We share the place with other public institutions.... RTI Commission does not possess the authority to impose penalties.... The RTI Commission is located only in Colombo, and it does not have a sub-branch or provincial-based commission. Therefore, the RTI Commission must bear a heavy workload....We are giving our full potential service to the citizens within our limited resources. (The RTI Commissioner, January 2025, at Colombo).

05.3.2 Media

The media mainly promotes the mechanism of RTI. Rejection of information on unreasonable grounds, restrictive media and inadequate media intervention further hinder RTI implementation (Pérez & Henninger, 2022; Weerasekara, 2024). For instance, the African continent has reported cases of restrictive media and the absence of media pluralism (Madubuike-Ekwe & Mbadugha, 2018; Adu, 2018; Vadlamannati & Coor, 2016). However, this study found media companies are obstacles to exposing or seeking some corruption through RTIs.

“I applied for an RTI requesting information on the Plantation Workers’ government insurance benefits scheme in Sri Lanka's top insurance company. This insurance scheme was enacted through the Ministry of Plantation, and the private insurance company was a service provider—that insurance company connected with my top management, demanding that I want to withdraw the application. If not, they will provide any advertisements for the newspaper. My management demanded that I withdraw the application. If not, I will dismiss it immediately. What do I do in this situation? I wanted to secure my job, so I withdrew the application.” (Journalist, January 2025, at Colombo).

The statement revealed that journalists try to expose the cash flow of the public interest. The journalists are threatened by their own company. The media company also considers the business not in the public interest. This is one of the biggest obstacles journalists face when putting pressure on the government's accountability through the RTI Act. The media company did not want to lose business and politicians' relationships while exposing public issues.

05.3.3 Newly Established Local Public Institutions

In 2018, the Sri Lankan government enacted new local-level public institutions to ensure public service efficiency. However, those local public institutions do not have enough infrastructure, especially if they do not have document storage and technological facilities. If citizens request the information through the RTI Act, public officers deny it or transfer it to the previous public institution. This will affect the RTI Act's efficiency in providing public engagement and information access. Below is the information officer's statement reflecting the new local government issue.

This new divisional secretariat office started in 2018. However, the government did not support the development of our infrastructural needs. For our revenue, we are developing a divisional secretariat office infrastructure. As an information officer, sometimes I could not provide the requested information to citizens because the data was not stored in this new divisional secretariat. If they want information, seekers want to visit the previous administration location/body.... Still, we do not have a record room or proper technological advancement to store the data.... Sometimes, I also struggle to find the correct information because I do not have the proper infrastructure for document records. (Information Officer, November 2024, at Nuwara-Eliya)

05.4 Vexatious and Frivolous Issues

The Freedom of Information is misused through vexatious requests (Cherry & McMenemy, 2013; Keller, 2013). Implementing India's Right to Information Act (RTIA) faces several vexatious and frivolous issues. These include complex request systems, high application fees, and many Public Information Officers (Goyal, 2023). The incidence and cost of 'vexatious' Freedom of Information requests in Scottish local government try to encounter negative perceptions around misuse of the Act (Cherry & McMenemy). However, Sri Lanka's previous studies did not identify the vexations and frivolous issues.

Public officers facing problems through the RTI Act are Frivolous and vexatious. Information seeker misuses the RTI Act to fulfil their benefits and vengeance. These issues lead the RTI Act to underperform and not achieve the RTI objectives. Public officers and the RTI Commission could not overcome this issue. This issue creates a lack of interest in providing information and is irresponsible among the public officers. Therefore, those seeking information for a significant purpose cannot access the proper information; this will impact the RTI Act to hold the government accountable. The following statements clarify the Vexatious and Frivolous issues in the public sector and RTI Commission.

Recently, I got several RTI requests related to the office management process and staff structure. This RTI request did not raise any issues of public interest. Our office has a minimum of staff, we can give the details once. However, the information seekers ask silly questions, like who is in charge of the office finance sector, and what equipment/products are used to clean public toilets?" (Information Officer, December

I received 35 RTI requests for road development project information two months ago. However, those information seekers' addresses were in the same village and belonged to the same political party. The local political party leader's relative did not get the tender. Therefore, those information seekers want to pressure the chairman and secretary. (Information Officer, December 2024, at Kandy)

"Vexatious is increasingly becoming a problem. Sri Lanka did not insert a provision to counter vexatious litigation, unlike India, as we thought this could deter information requestors. Frivolous and vexatious but there must be a remedy for abuse of the process of the RTI Act. Currently, we warn and reprimand appellants but do not go further." (The RTI Commissioner, January 2025, at Colombo)

05.5 Political Challenges

The politicalisation is a major challenge in implementing the RTI (Pérez & Henninger, 2022). In developing countries, political interaction affects citizens' access to information because politicians try to maintain their opacities for corruption and misuse of power (Asogwa & Ezema, 2017; Baroi, Alam & Bernal, 2018).

The statement below reflects those politicians threatened civil activists not to expose their mismanagement/corruption. The RTI Act's main concept is to ensure transparency

and accountability within the government. For this, politicians are key actors in ensuring government accountability. However, politicians become the obstacle to ensuring government accountability through the RTI Act.

I heard from my friends that the *Pradeshiya Sabha* Chairman misused power and provided shop permission to his wife and other relatives, not to the public. To investigate this problem, I applied the RTI to one of the newly built *Pradeshiya Sabha* (Local Government); in that RTI, I requested how much permission was provided to the shops, beneficiary information, and beneficiary selected criteria. After applying for the RTI, one of my close friends received a call from the Chairman. Chairman said, “Why is your friend doing unwanted work? Tell him to stop the unwanted work; if not, your friend will face many problems”. However, I did not give up. Still, I did not receive the correct information from the *Pradeshiya Sabha*. (Journalist, January 2025, at Colombo).

05.6 Stakeholder Problem

05.6.1 Media.

“As journalists, we apply the RTI to get information and publish it in the newspaper or other media. Most of the time, we will not follow up on the problems at some point..... if we find any corruption or other power misused by politicians or public servants, we will not approach the judicial process – because it is not our duty. If we apply the petition to the court, we want to spend much money and organization, not encourage the judicial process.” (Journalist, December 2024, at Kurunegala)

The statement revealed that the information Transparency did not make the government accountable and public participation in the political system. Furthermore, the success of the RTI Act is based on the electoral and non-electoral taking responsibility for their decision and actions. Disclose information shows any offence/illegal/corrupt decision

and actions of electoral and non-electoral citizens or other actors to take judicial approaches. Without a punishment mechanism, the RTI did not achieve the effective objective. Most journalists expose corruption and mismanagement; they do not approach the judiciary to get an actionable process. The common public does not pay any attention to journalist-exposed news. The RTI Act does not hold sustainable government accountability without the actionable process.

05.6.2 General People

Around the world, public awareness and RTI law literacy are significant obstacles to effectively implementing the RTI Act (Baroi, Alam & Bernal, 2018). The common public does not consider their right to benefit from the government. Especially in developing countries, the public is not interested in using their right (Madubuike-Ekwe & Mbadugha, 2018; Adu, 2018; Vadlamannati & Coor, 2016).

Sri Lanka's government policy and laws are enacted in the public's interest. However, common people were uninterested in the political system and unaware of the policy or law. Public interest engages in party politics, not public interest politics. If they had access to holding the government accountable, people would not be interested in learning. They only focus on the livelihood problems. People do not know that life wants to develop. People must know their rights to question infrastructural development. Subsequently, the government answers the question, ensuring more infrastructural development for the citizens. To maintain government accountability, citizens should be aware of the RTI Act, but it has not happened. Blow the statement reflects the citizen's unawareness of the RTI Act,

Our country's people are the most significant barriers to successfully implementing the RTI Act and making the government take responsibility. In my village, through the Sri Lanka Press Institute, I arranged the RTI Act training for my area's higher-level university students and educated adults in the past year. However, most people did not participate in the program, and they said "it was not important to get government benefits. We want to support good politicians to get our benefits and rights."..... six months later, I invited those who participated in the youngster to appeal the RTI Act, but they denied it. I understood that most people were unaware of their rights and how they could ensure government accountability. People think it is not my business, and they consider their livelihood problems... (Civil Activist, January 2025, at Galle)

05.7 Language Issues.

The statement revealed that language became an issue in implementing the RTI Act effectively. Chapter 04 is the case study of opacity in the voluntary surrounding of LTTE members' information regarding language issues spotted. Article 22(1) of the 16th Amendment to the Constitution states, "Sinhala and Tamil shall be the official languages throughout Sri Lanka." It has been observed that the right to information law is not followed properly despite the provisions of the law. However, information officials did not know enough about the second language (Weerasekara, 2024; Sumanadasa, 2023; Saujan, 2022). The citizen request information in their own language or appalling process their facing difficulties. Replying to the appeal takes a long time, which makes the Act inefficient.

According to the RTI Act, information seekers can request the RTI in one of the national languages, which means I can apply Tamil, Sinhala, or English. I applied the RTI to the Department of Archaeology and requested complete information on the evidence Department of Archaeology found in the Northern and Eastern Provinces in Tamil. I did not receive any information from the Department of Archaeology. Therefore, I contacted the information officer, who said, “We sent your requested document to the Department of Official Language to be translated into Sinhala. It will take more than a month. After receiving the translated document, we will send the reply. I tried several times to get the information, but I could not. After three months, I

05. 8 Conclusion

The RTI Act in Sri Lanka has significantly promoted government accountability. However, there are obstacles to implementing the RTI Act effectively. Those obstacles are from the bureaucratic, institutional, language, and political concerns. Addressing these obstacles, government, civil society, and citizens' engagement and effort. By strengthening the effective RTI Act, the government holds it accountable. However, civil society organisations, engaged citizens, and the media can drive the transparency agenda when political and bureaucratic leadership is lacking (Relly et al., 2020). Despite these challenges, RTI has shown potential for transforming governance and deepening democracy, though institutionalising transparency remains a protracted process (Oberoi, 2013).

Chapter 06

06. Conclusion

06.1. Introduction

During the economic crises, protesters demanded more transparency and accountability in the government process in Sri Lanka (Talayaratne & Weerasooriya, 2023). The Right to Information Act is a significant mechanism for ensuring government accountability in Sri Lanka (Verite, 2017; TI, 2019; Ramesh, 2023). Therefore, this study has analysed Sri Lanka's RTI Act as an effective tool for holding the government accountable, how it impacts the public institution's responsibility, and obstacles in the effective implementation process. In this study, data were collected through primary and secondary sources data that combine the characteristics of a quantitative approach. The samples were selected through the purposive judgmental sampling method, semi-structured interviews, and case studies for the data collection. The data were analysed based on the thematic analysis. For the study, data were collected from 23 respondents for interviews who have applied, exercised, and are experts on the RTI law to get information in Sri Lanka; those include Civil Activists, Teachers, community leaders, Youngsters, Journalists, NGO/CSO, Information officers, and policyholders.

The review of related studies revealed that the previous studies did not explore various forms of accountability related to the RTI Act in Sri Lanka. Therefore, this study investigated the vertical, horizontal and diagonal accountability forms used by the RTI Act. Previous reports and research did not provide empirical data about the RTI Act's impact on government accountability. The primary goal of this research was to address the knowledge gap and understand the relationship between the RTI policy and government accountability in Sri Lanka. This research generated evidence and information and added value to the existing body of knowledge, eventually leading to policy interventions.

Based on the literature review, the transparency and accountability continuum model were used to explore the study. According to the model framework formulated to understand how the RTI Act holds the government accountable in Sri Lanka. This model suggests that transparency and accountability exist on a spectrum, ranging from information disclosure to citizen engagement. Organisations and governments may be at different points on this continuum, and the model helps assess their level of openness and accountability.

Naurin, (2006). suggest three conditions for government Transparency and Accountability Continuum. These are Transparency practices in making information available, Publicity practices in making information accessible and Accountability practices in making information actionable.

The connection between transparency and accountability is evident. Transparency is only adequate when it provides information that is available, accessible, and actionable (Gabriel, 2020). The RIT Act ensures that information is available, accessible, and actionable, thus holding the government accountable. Engagement from the demand, supply, and complaint sectors is essential to meet these three requirements.

Government information availability and accessibility create an actionable process for the public. The information is an effective tool for disclosure. People actionable will make the government accountable. This theory helps evaluate Sri Lanka's government accountability continuum through RTI, Sri Lanka's transparency and accountability practices, and information that is available, accessible, and actionable.

06.2. Summary of the Major Findings and Observations

This study revealed that Sri Lankans have different perspectives and opinions on government and public institution accountability. Respondents believed that Sri Lankan

government accountability increased compared to the previous year. The RTI Act was the main reason for the increase in the Sri Lankan government's accountability. However, responsible politicians or public officers did not take any responsibility for the economic crises and bankruptcy in Sri Lanka. The government did not accept any responsibility for the war crime. Therefore, government accountability is problematic.

Internal accountability mechanisms such as the Auditor General's Department, Parliament oversight committee, and Commission to Investigate Allegation of Bribery or Corruption have maintained their accountability at sudden levels. Those accountability mechanisms did not hold the government accountable for the national-level profile issues. However, the Judicial system holds them accountable according to the rules and regulations. HRCSL impacts government accountability in many issues, not in war crimes. 11 participants out of 15 partly accepted that the RTI Commission maintains its accountability. The NGOs and CSOs ensure accountability to the citizens and pressure the government to be accountable. Social media is vital in holding the government accountable in the current technological world. Through social media, government officials' opacity and unaccountable are exposed, which impacts government officials' accountability. Among the 20 respondents were the United Nations Rights Council, the International Criminal Court, the United Nations Convention Against Corruption, and the European Union's GST+, IMF and ADB mechanisms. However, they did not have clear answers for government external accountability mechanisms.

This study analysed the three case studies on the RTI Act's success, obstacles, connection with other public institutions, and structural challenges that hold the accountability. The Declaration of Parliament Members' Assets Information case study exposed that to promote a good government system and anticorruption, the public should have access to check politicians' and government official assets information based on the public interest through the RTI Act. This case study shows the RTI Act's success in holding the government executive system accountable.

The second case study exposed that effective government accountability depends on the responsibility of politicians and civil servants. However, bureaucrats did not take responsibility for their actions. Through the RTI Act, accountability and actionable processes occurred. The case study discovered two Jaffna University Students shot by Police. Police departments are opaque about the case information and have raised fake allegations against university students. However, through the RTI Act, the post-mortem reports revealed the truth.

Law enforcement accountability is more important to maintain public trust, ensuring justice and the rule of law. Therefore, the final case study investigated the opacity in voluntarily surrendered LTTE members' information. The responsible public institutions did not disclose the information. This case study shows that sometimes the RTI Act could not ensure government accountability due to persistent challenges due to information availability and acceptability.

Each case study shows compliance between demand, supply, and complaint sectors to ensure government accountability in Sri Lanka. Government information availability and accessibility create an actionable process for the public; this information disclosure effective tool is RTI. People actionable will make the government accountable. The RTI Act held the government accountable throughout this case study, but not in civil war problems. Those case studies helped to evaluate Sri Lanka's government accountability continuum through RTI.

The final chapter discovered the obstacles to effectively implementing the RTI Act to ensure government accountability. The bureaucratic obstacles were the information officer's lack of awareness of Human Rights and the RTI Act and the information officers handling different tasks in the workplace - which affected the officer's involvement and efficiency. The superior officers interrupt the answering process, reject RTI applications

under section 5 without valid reasons, and public institutions take a long period to respond to the application.

Identified institutional obstacles were the RTI Commission's lack of infrastructure and power. Lack of data recording infrastructural problems in newly established local government. Politicians or business companies related to the RTI application create barriers to media companies and journalists. The Public institutions and the RTI Commission face the frivolous and vexatious problem of using the RTI Act.

The journalists identified any government unaccountable action through the RTI Act but did not approach the judiciary process to ensure the government's accountability. The public was not interested in or aware of the RTI Act, which led to the government's opacity and unaccountable.

06.3. Limitation of the Study

The government accountability studies impact on effective service delivery. Government accountability has been discussed extensively since the economic crisis in Sri Lanka. It affects every sector and public. Therefore, this study faced several limitations.

Research on government accountability made people suspicious, especially the designated officers of public authorities, which created difficulties in capturing accurate data. As data required for this study will be partly collected using semi-structured interviews, there is a higher tendency for response bias to occur. As semi-structured interviews involve informal and arbitrary face-to-face discussions with participants, sometimes participants may provide untruthful or misleading answers to create a more positive impression of themselves, their background, and their situation.

This research was conducted as a part of an academic pursuit that was somehow bound

by time and resource constraints. This study reflected the case of a single unit of the national government, revealing the picture of the RTI Act's impact on government accountability. This study included respondents with higher occupational status and high literacy levels and excluded ordinary and illiteracy respondents. This study was conducted with 25 interviews in selected samples, but a bigger sample would provide more accurate and comprehensive results. The study could not cover 25 districts but covered every province.

06.4. Contribution to the Existing Literature through this Study

This study contributed to the existing literature theoretically, practically and methodologically. Previous reports and research did not provide empirical data about the RTI Act's impact on government accountability. The primary goal of this research was to address the knowledge gap and understand the relationship between the RTI Act and government accountability in Sri Lanka. This research generated evidence and information and added value to the existing body of knowledge, leading to policy interventions. This study identified the sudden degree to which the RTI Act impacted government accountability in Sri Lanka, not for war crimes.

This study used the Transparency and Accountability Continuum model. This model is not used to analyse the relationship between RTI and government accountability studies in various countries. This model used the RTI Act information flow analysis and affects government accountability. This study used semi-structured interviews with 23 multiple actors related to the RTI Act and three case studies as a practical way to explore the research questions.

Some of the findings in this study did not cover previous researchers. Especially in vexatious and furious obstacles, the journalist does not approach the judiciary to take action for their found issue through the RTI; media organisations created obstacles for

journalists to seek information through the RTI Act, the functional problems in the newly established local government entity.

06.5. Suggestions for Future Study

The RTI Act's impact on government accountability is largely unexplored, and there is much space and scope for future studies. Future studies can address the limitations of this study, taking comparative cases with a larger sample size. Future studies use mixed data collection tools and address the different responses at each level (higher and lower occupational and literacy status respondents and policymakers). Future studies could address its impacts on implementing the Citizens' RTI Act at the district level. This study did not address local agencies' trust issues and levels. Despite the satisfactory awareness of this policy, there is a lack of awareness of information demands. The lack of awareness and interest could be revealed as a link to trust issues. Future studies could specify other reasons for the lack of awareness and implementation of issues on the RTI Act at the district level; this study has insisted that each province has different issues implementing the RTI Act. Further studies can include some significant variables to conduct the mixed method research at the district level, such as financial factors, technological skills, and open data satisfaction level, which will reflect better results and findings.

06.6. Policy implication from the study

This study identified some specific obstacles in implementing the RTI Act effectively. Therefore, some of the implications addressed through this study are to implement the RTI effectively. The effective implementation of the RTI Act ensures accountability and transparency in the government process. The government, RTI Commission, or NGOs/CSOs should come forward to provide continuous training or discussion to information officers and designated officers. The RTI Act was enacted nine years ago, so the Act should be reviewed and evaluated. For the RTI Act review, policymakers should consider decreasing the current response period, increasing the RTI Commission's power,

strengthening whistleblower protection, add new punishment and monitoring mechanisms against vexatious and frivolous RTI applications.

Each province needs a branch of the commission to ensure better access to the RTI Commission. This will empower the citizens to quickly access the RTI Commission and reduce the RTI Commission's operational burden. Sri Lanka's government need to initiate open government data and a proactive disclosure system for every public authority. This arrangement ensures the government's accountability and transparency. The public office can recruit a new “Digital Officer” position- this officer can maintain and publish the public entity information through the website and digitalisation format. This position effectively maintains the organisation's record-keeping task and open government data system, rather than appointing a separate information officer.

The NGOs/CSOs and government need to initiate continuous public awareness and RTI literacy campaigns, subjects, or workshops for the community-based. However, these programs should mainly target secondary and higher-level students, community leaders, and civil servants. Consequently, the young generation can learn about the usage of the RTI Act, and civil servants can learn the purpose of maintaining the information and their responsibility to the public. It will impact the government's transparency and accountability positively.

06.7 Conclusion

Since the implementation of the RTI Act, there have been many positive developments from the public regarding government institutions. It is understandable when you look at the complaints received. It is not wrong to mention that establishing an independent Right to Information Commission is the main reason for its success and positive movement. The physical and human resources for the same have been increased, and many citizens who have been denied information by government agencies have filed

complaints with the Right to Information Commission today and have received favourable rulings.

The right to information is the most important law in the country and is common to all. The Right to Information Act can be used for social upliftment. Policy-based mechanisms must be in place to use information and law as new tools for solving many everyday problems that individuals and communities face. A complete understanding of RTI should also be seen in the implementing agencies.

According to this study, there are many internal and external accountability mechanisms to ensure government accountability. From those mechanisms, the RTI Act opened the space for citizens' access to government information, which led to holding the government accountable. However, the Right to information ensures the government is accountable at a sudden level in Sri Lanka. However, for war crimes, the RTI Act could not ensure accountability from the responsible public institutions. Many obstacles occurred in implementing the RTI Act effectively. Therefore, those obstacles should be solved to implement the effective RTI Act. Subsequently, the RTI Act ensure the government's accountability to achieve a corruption-free, accountable and transparent government.

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ANNEXES

Questionnaire #01 - Information Seekers

01. Have you used the RTI Act process? How? And for What purpose?
02. Have you received any training or orientation on RTI? Where do you get the training from?
03. Did you take any initiative to make people aware of the RTI Act? If so, where and how
04. Do you think it's useful? If so, How?
05. What is your opinion about the following institutions' performance in providing information to improve Accountability, transparency and actionable processes with regard to the functioning of public institutions?
 - The RTI Commission
 - Other institutions
 - Judiciary
06. Based on your experience, tell me your opinion about government accountability in Sri Lanka?
07. What are the major factors hindering government accountability (you should focus more on public institutions)
08. Have you heard about the following organisations? Could you please tell me how they support improving accountability in public institutions in Sri Lanka?
 - Social Activists CSO/NGOS
 - Community Leaders
 - Media
 - Policyholders
 - International Actors
09. How successful is RTI in improving accountability?
10. What are the barriers to implementing the RTI Act in Sri Lanka?
11. What challenges does RTI face in improving accountability?

Bureaucratic Challenge

Institutional Challenge

- RTI Commission
- Civic organisations and NGOs/CSOs
- Judiciary

Political Challenge

Stakeholders

- Policyholders
- Journalist
- Social Activists CSO/NGOS
- Community Leaders

12. In your opinion, what changes should be made to the RTI regime/process for a more effective implementation of the RTI Act? Why? What challenges do you foresee on the way to implementing these suggestions?

Questionnaire #02 - Information Providers

01. How long have you been performing your duties as an Information Officer/Designated Officer to provide information to applicants under the RTI law?
02. Have you received any training regarding the application of the RTI law? How much training have you received? How long ago? Is this training sufficient for you to discharge your duties effectively and efficiently? Why or why not?
03. In your view, why do citizens ask government authorities for information? What kind of information do citizens typically seek?
04. Do citizens primarily seek information related to private interest or public interest? Can you please give some exciting cases?
05. What are the main difficulties you experience in carrying out your duties as a designated officer in providing information to citizens generally? Please explain.
06. Can the RTI law empower citizens? How?

07. Can an ordinary citizen scrutinise public authorities' activities or hold public officials accountable under the provisions of the RTI law? How?

08. What is your opinion about government accountability in Sri Lanka? Tell me some of the challenges

09. Have you heard about the following organisations? Could you please tell me how they support improving accountability in public institutions in Sri Lanka?

- Social Activists CSO/NGOS
- Community Leaders
- Business Community
- Media
- Policyholders
- International Actors

10. How successful is RTI in improving accountability?

11. What are the barriers to implementing the RTI Act in Sri Lanka?

12. What challenges does RTI face in improving accountability?

Bureaucratic Challenge

Institutional Challenge

- RTI Commission
- Civic organisations and NGOs/CSOs
- Judiciary

Political Challenge

Stakeholders

- Policyholders
- Journalist
- Social Activists CSO/NGOS
- Community Leaders

13. In your opinion, what changes should be made to the RTI regime/process for a more effective implementation of the RTI Act? Why? What challenges do you foresee on the way to implementing these suggestions?

Questionnaire #03 - Policy Holder/ RTI Commission

01. How long have you served at the Information Commission (IC)? How much training have you received? Do you consider the training adequate? Why or why not?
02. Has the IC ever exercised the provision of the law, which allows the IC to order the disclosure of information on its motion? [For example, when there is a widely publicised public perception of a particular act]
03. Can you give any examples of when, after a citizen complained to the IC, it issued an order to provide the information and subsequently, corruption or other similar wrongdoings were identified?
04. What measures need to be taken to make the RTI Act and the Information Commission more effective in achieving their goals, including people's empowerment, accountability and transparency?
05. Can the RTI Act empower citizens? How?
06. Can government accountability be ensured through the RTI Act? How?
07. Have you heard about the following organisations? Could you please tell me how they support improving accountability in public institutions in Sri Lanka?
 - Social Activists CSO/NGOS
 - Community Leaders
 - Media
 - Policy Makers
 - International Actors
08. How successful is RTI in improving accountability?
09. What are the barriers to implementing RTI Act in Sri Lanka?
10. What challenges does RTI face in improving accountability?

Bureaucratic Challenge

Institutional Challenge

- RTI Commission
- Civic organisations and NGOs/CSOs
- Judiciary

Political Challenge

Stakeholders

- Policyholders
- Journalist
- Social Activists CSO/NGOS
- Community Leaders

11. In your opinion, what changes should be made to the RTI regime/process for a more effective implementation of the RTI Act? Why? What challenges do you foresee on the way to implementing these suggestions?

North South University IRB/ERC Approved letter



NORTH SOUTH UNIVERSITY
Institutional Review Board/ Ethics Review Committee
(IRB/ERC)

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Memorandum

2024/OR-NSU/IRB/1014

Date: 27 October 2024

To: Nadarajah Pasdevan
Student
Department of SIPG

Dr. Salahuddin M Aminuzzaman [Supervisor]
Professor
Department of SIPG

From: Dr. Dipak Kumar Mitra
Chairman
NSU Institutional Review Board/ Ethics Review Committee

Subject: Approval of Research Protocol #2024/OR-NSU/IRB/1014


27 OCT 2024
Chairman
NSU Institutional Review Board/
Ethics Review Committee (IRB/ERC)

Dear Nadarajah Pasdevan,

Thank you for your application requesting for approval of your research protocol #2024/OR-NSU/IRB/1014, titled "The Right to Information Act: A Tool for Government Accountability in Sri Lanka". I am glad to inform you that the committee has approved your research protocol. You will be required to observe the following terms and conditions in implementing the research protocol:

1. As principal investigator, the ultimate responsibility for scientific and ethical conduct including the protection of the rights and welfare of study participants vest upon you. You shall also be responsible for ensuring competence, integrity, and ethical conduct of other investigators and staff directly involved in the research protocol.
2. You shall conduct the activity in accordance with the IRB-approved protocol and shall fully comply with any subsequent determinations by IRB.
3. You shall obtain prior approval from the IRB for any modification in the approved research protocol and/or approved consent form(s), except in case of emergency to safeguard/eliminate apparent immediate hazards to study participants. Such changes must immediately be reported to the IRB Chairman.
4. You shall recruit/enroll participants for the study strictly adhering to the criteria mentioned in the approved research protocol.
5. You shall obtain legally effective informed consent (i.e. consent should be free from coercion or undue influence) from the selected study participants or their legally responsible representative, as approved in the protocol, using the approved consent forms prior to their enrollment in the study. Before obtaining consent, all prospective study participants must be adequately informed about the purpose(s) of the study, its methods and procedures, and also what would be done if they agree and also if they do not agree to participate in the study. They must be informed that their participation



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in the study is voluntary and that they can withdraw their participation any time without prejudice. Used consent form should be preserved for a period of at least three years following official termination of the study.

6. You shall promptly report the occurrence of any Adverse Event or Serious Adverse Event or unanticipated problems of potential risk to the study participants or others to the ERC in writing within 24 hours of such occurrences.
7. Any significant new findings, developing during the course of this study that might affect the risks and benefits and thus influence either participation in the study or continuation of participation should be reported in writing to the participants and the IRB.
8. Data and/or samples should be collected, as specified in the IRB-approved protocol, and confidentiality must be maintained. Data/samples must be protected by reasonable security, safeguarding against risks as their loss or unauthorized access, destruction, used by others, and modification or disclosure of data. Data/samples should not be disclosed, made available to or use for purposes other than those specified in the protocol, and shall be preserved for a period, as specified under NSU policy/practices.
9. You shall promptly and fully comply with the decision of IRB to suspend or withdraw its approval for the research protocol.
10. You shall report progress of research to the IRB on annual basis.

I wish you success in running the above-mentioned study.

cc: 1. Recording Secretary, NSU IRB/ERC