

ABSTRACT

RIGHT TO INFORMATION HELD BY GOVERNMENT

AUTHORITIES

Law on the concept of Right information or access to information has a long history of over 225 years. The rationale behind the right of information is good and transparent governance with people's participation. Comprehensive legislation related to access to information was initially enacted by the Government of the United States of America nearly 50 years ago. This initiative is an important step stone to the concept of open government which is a feature of democratic societies. There onwards many European and other countries following the initiative of the USA, promulgated laws and delegated or subordinate legislation allowing the general public to access to information held by the government authorities and private agencies authorized to perform functions on behalf of the government. This legislation has resulted in safeguarding political, economic and other rights of citizens in various perspectives. Right to information is interrelated to ensuring the protection of all other rights. However, there are some instances where access to information is denied if the disclosure of such information is detrimentally have an effect on the national security of a state, intelligence, bilateral relations with friendly countries, trade secrets, criminal investigations, public examinations, individual medical reports etc, disclosure of which the privacy of an individual is detrimentally affects.

The UN Convention Against Corruption has been ratified by a considerable number of member countries. Nevertheless, some countries have pending efforts on enacting laws on right to information. There are some countries where the general public does not have any idea on right to information even though adequate laws are available to obtain information held by the public authorities. Apart from the UN Convention Against Corruption, there are a number of Regional Conventions initiated with the consensus of the regional organizations in which a prominent place is given to right to government information and these conventions have been ratified by member countries. International bodies such as Privacy International, International Monetary Fund, World Bank etc. conduct monitoring missions with regard to promulgation and implementation of legislation to access to information. Further these organizations conduct advisory, precursory operations in introducing laws related to the subject in order to ensure people's participation in the decision making process in an open and transparent government.

With the exclusive development of information technology together with globalization in the latter part of the 20th century, in addition to general principals, new laws have been passed associated with accesses to electronic information held by the government and local government authorities.

Some countries including Sri Lanka have not yet passed similar legislation. However, there had been an attempt by the then Minister of Justice in 2010 which failed at last. On the other hand some states have paid attention to enforce more limitations to right to information particularly through the electronic sources after having implemented the related law and found adverse consequences while no legislation is available on the subject areas in a number of countries. Therefore, there is an urgent need in Sri Lanka to enact similar laws at this juncture covering all aspects including laws of e-governance to facilitate future improvements in the administrative setup and to protect people's right to Information.

Key Words : Right to Information, Fundamental Right Law, Government