



A GUIDE TO LAND AND DEVELOPMENT PLANS IN SRI LANKA

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People's Alliance for Right to Land

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INTRODUCTION

This guide aims to provide information and guidance on understanding urban land and development plans in Sri Lanka. It comprises 5 key sections



Understanding Land – the types of land in Sri Lanka and how they are administered and acquired



Understanding Masterplans - how to make sense of technical documents and development plans



Asked to Move - information necessary to know if your land is being acquired



Your Right to Information as a citizen of Sri Lanka



Following the Money - other sources for information regarding development projects

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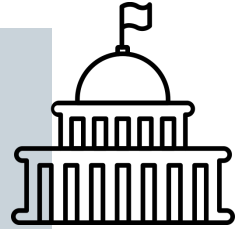
UNDERSTANDING LAND IN SRI LANKA



1. WHAT IS STATE LAND AND PRIVATE LAND?

1) STATE LAND

State land is all land that the State is lawfully entitled to, or land which may be disposed of by the State together with any building standing thereon, and with all rights, interests and privileges attached thereto. This also includes lands of various Corporations and Boards. State land is administered at national, provincial, district and divisional levels by the relevant government officials.



2) PRIVATE LAND

Private Land is land solely owned by individuals or private entities and the ownership of such land is generally transferred through various types of deeds.



2. IMPORTANT TERMS APPLICABLE TO LAND

Occupation: Living in or possessing land.

Accession: The property of one person becomes attached or added to the property of another.

Prescription: When a person possesses land belonging to another person for a period of ten years without payment, and where possession of that land was undisturbed and uninterrupted, the person possessing the land can claim legal ownership of the land.

Purchase: Land can be sold by and purchased from private landowners. A sale of land is only valid if the property is transferred through a deed and is signed in the presence of witnesses and attested by a notary public in the presence of one another. The notary public must affirm that the sale documents are true, genuine and correct. The documents can be registered at the relevant land registry to give it priority over others. Stamp duty has to be paid on a sale of land. The amount of stamp duty varies from time to time and is to be paid by the purchaser.

Inheritance - With a Last will: When a person dies leaving a last will or even if there is no last will, where the value of the estate is over Rs. 4,000,000/- the law requires that questions of inheritance be decided by the District Court.

Inheritance - Without a Last Will: People can also get private land if they are listed in a will. Where a person dies without a last will there are laws that govern who should inherit the land. For example, if the person is survived by a spouse and children, half of the property would go to the spouse and the other half to the children.

Donations: Land can be donated to a person or an organisation in accordance with the specified laws.

3. STATE LAND

This section gives a brief understanding of how State land can be given to citizens (alienation of State land), what rights the State and the citizen has over land which has been given and what action the State can take if people encroach on State land. The laws referred to in this section are not exhaustive.



3.1 HOW IS STATE LAND ALIENATED?



By Permit



By Grant



Lease



By the President

PERMIT

Permits are issued under several laws, including the Land Development Ordinance (LDO) No.19 of 1935. A permit may be given to particular categories of persons specified in the relevant laws such as low income earners and those who are landless. The permits are given usually subject to the conditions set out in the law and/or the permit.

Generally, permit holders can use the land as specified in the permit including as a residence and/or for cultivation purposes. Permit holders are required to pay a nominal monthly rental to the State. Permits can be issued as an annual permit or also known as 'LDO permit' when issued under the Land Development Ordinance.

The LDO states that no permit holder can dispose of any property held under a permit and that such disposition shall be invalid. The owner of a permit may nominate a life holder (a person who will succeed to the property on the death of the owner) and/or a successor (person who will succeed on the death of the owner, or the life holder, or if the life holder fails to succeed the owner).

GRANT

The State can make grants of land by deeds called Swarnabhoomi, Jayabhoomi, Ranabhoomi, Ranbima. Grant holders have absolute title over their land, which means the grant holder is the owner of the land.

Those who have permits can convert their permit into a grant if they meet specific conditions.

Grants may also be granted under the Land Development Ordinance (LDO) subject to the conditions set out in schedules to the Ordinance and any special conditions imposed by the Government Agent which are applicable to the individual grant or a class/category of cases, including a condition of residence on the owner. Such conditions are attached to the land and will bind any future title holders to the property and not only the original grantee.

LEASE

Lease permits can be issued under State Land Ordinance No.8 of 1947 to people and institutions for 30 year of period for residential, agricultural or commercial purposes. Leasing period can be extended to 50 years for special projects. Upon the success of the initial lease, the period of lease can be extended. These permits can be transferred and mortgaged with prior approval of the Land Commissioner.

BY THE PRESIDENT

The President can grant or lease State land at a nominal price or rent it for charitable, educational, religious, scientific or any other purpose.



NATIONAL HOUSING DEVELOPMENT AUTHORITY (NHDA)

The NHDA has programs which make lands available to individuals for housing development. In the case of persons living in houses provided by the NHDA, ownership of the land continues with the NHDA while the occupier has possessory rights over the house subject to the terms and conditions set by the Authority.



URBAN DEVELOPMENT AUTHORITY (UDA)

The UDA has in recent years been involved in developing apartments on State land and distributing apartments to families who have been evicted or relocated as a result of development activities. Persons who have received such housing must look at the documents signed with the Urban Development Authority to assess the nature of the ownership of the apartment. If there is no agreement, it is important to seek clarity and get a document based on mutually agreed and understood conditions and form of title.

3.2 HOW IS STATE LAND PROTECTED BY LAW?

- **NO ONE CAN CLAIM PRESCRIPTION AGAINST STATE LAND.**

This means that a person cannot claim any rights to state land simply because that person has lived on that land for several years or even for generations.

- **A PERMIT HOLDER CANNOT SELL THEIR LAND. THEY CAN ONLY TRANSFER IT IN** accordance with the law. A permit or grant holder cannot transfer their lands without the prior written approval of the Divisional Secretary. Even when transferring with the approval of the Divisional Secretary, the conditions and restrictions imposed on the original permit holder or grant holder continue to apply.

- **IN THE CASE OF A PERMIT OR GRANT,** if there is no nomination (of a successor or life holder) then the grant devolves in accordance with the respective law under which the permit was issued.

3.3 CONSEQUENCES OF OCCUPYING STATE LAND WITHOUT CLEAR WRITTEN AUTHORIZATION

STATUS / LEGAL RIGHTS

If you are on State land and do not have express written authorisation which recognises your occupation of State land, you may be considered as being in 'unauthorized occupation' of State land. The State has the power through a court order to remove you from such land or building.

PROCEDURE FOR EVICTION/REMOVAL OF OCCUPIERS

The State Land (Recovery of possession) Act makes provision for the recovery of possession of state lands from persons in unauthorized possession or occupation of State lands.

The State authority has to give a quit notice to the person occupying state land, asking the person to vacate the premises. The quit notice is based on the opinion of the authority that such land is in fact state land and no objections or representations can be made against such notice to the authority. A person receiving a quit notice is required to vacate the premises on the date stated on the notice, but is given a minimum of 30 days within which to vacate.

If a person fails to comply with the quit notice the State agency can apply for an ejectment order from the Magistrates Court. At this stage, the occupier is given the opportunity to show cause as to why they should not be ejected from the land. The only valid cause that will be accepted by court is that you are entitled to possession or that it is private land. The Court will not ask the State to prove anything.

If Court rules that the objections are not valid, the Court may give an Order for eviction, and the fiscal or police may be ordered to physically remove the occupier.

4.PRIVATE LAND

4.1 OWNING PRIVATE LAND

A person can acquire ownership of private land in many ways, including purchase, gift, inheritance and prescription.

There are different documents which are relevant to the various methods by which land is acquired.

All lands regardless of the method of ownership or the documents, the details of all lands are available to the public at the local Land Registry. This is because under the law all documents relating to land must be registered.

If you are unaware of the nature of the ownership or how you came to be occupying the land that you are on, you can get the assistance of a lawyer to do a title search at the land registry.



4.2 WHAT IS A 'DEED'?

This is a legal document that gives title to private land. A valid deed has to be executed by a notary public. This will defer with registration of title discussed later in this guide.

4.3 WHEN HAS A DEED BEEN EXECUTED BY A NOTARY?

A deed is executed when:

- Affirmed by a notary public that the document before them is true, correct and genuine.
- Signed by the notary, executants and the witnesses in each other's presence.
- A deed can be registered at the relevant Land Registry to give it priority over other deeds.

4.4 TYPES OF DEEDS

Recognize the type of deed you own. Ownership of your property is transferred through deeds, last wills and codicils. Conveyance can be done through the following types of deeds.

DEED OF TRANSFER

The transferor (seller) and the transferee (buyer); details about the previous deed by which the title was passed to the transferor; and consideration (sale price). The transferor should sign the deed and after two witnesses placing their signature, it is attested by the Notary.

Deed of transfer is a deed prepared when a property owned by one person is sold/ transferred to another. The deed should consist of the names, addresses and National Identity Card numbers of

DEED OF GIFT

Deed of gift is used to transfer property from one person (donor) to another person (donee), without any monetary consideration.

DEED OF DECLARATION

If any person wishes to make a claim or declare a right to any property, a deed of declaration may be executed to make legal basis for such a right or claim.

When a person has had undisturbed and uninterrupted possession of a property against the right of any other, for a period of more than ten years such person can execute a deed of declaration and declare that he has gained prescriptive title to the property. In such an instance a Notary cannot practically verify the fact of possession by the declarant and therefore it is advisable as a precautionary measure that the Notary gets an affidavit stating the facts relating to the period of possession from the declarant.

If any person dies without executing any last will or testament during his life time, the beneficiaries can execute a deed of declaration to declare their rights. A deed of declaration can be executed to declare the rights of the beneficiaries.

In such deeds, if details of prior registration are available, they can be registered in the relevant volume and folios (pages). In a deed of declaration for a prescriptive title- if no details on prior registration are available- it has to be registered in a fresh folio.

LAST WILL

Last will is the last declaration made by a person (Testator) stating how the property earned during the life time should be disposed of after his/her death. When a person dies leaving a last will, the last will gets priority over all laws relating to succession.

CODICIL

Codicil is a supplementary Deed to a last will adding or altering the contents in the last will by the testator.

4.5 WHAT IS 'REGISTRATION OF TITLE'?

Titles for land can now be awarded under the Registration of Title Act. This is a system introduced in 1998 which has been implemented in a few areas such as Gampaha, Negombo, Ratnapura, Gampola, Anuradhapura, Homagama, Kurunegala, Kandy, Hambantota and Jaffna, and will be expanded to the rest of the country. Registration of title ensures a clearer system of title, which is cheaper than deeds.

4.6 HOW DOES THE STATE ACQUIRE PRIVATE LANDS?

The **Minister in charge of Lands** can acquire private land for a public purpose in accordance with the law (i.e. - Land Acquisition Act, Urban Development Projects (Special Provisions) Act).

Also Pradeshiya Sabhas, Urban Councils and Municipal Councils have the power to acquire private land. **The Pradeshiya Sabhas Act**, Urban Councils Ordinance and Municipal Councils Ordinance empower the acquisition of lands or buildings for general public purposes in terms of provisions of the Land Acquisition Act by making due compensation to the owner or occupier of any property required for such purposes, or any person whose legal rights are thereby infringed.

Some common elements that the State must adhere to when acquiring lands are:

- Notice of intention to acquire
- Entertain and decide on objections
- Compensation for those whose lands are acquired
- Since all of the above steps must take place, it can be expected that the State must give people reasonably adequate time to

Described below are the procedures laid out under 3 different laws that the State must follow when acquiring land.

LAND ACQUISITION ACT

Where the Minister considers that a particular land is suitable/ needed for a public purpose, he shall cause a notice to be given to the owner or owners of that land and to be exhibited in conspicuous places on or near that land.

The notice;

- a) Should be in the Sinhala, Tamil and English languages;
- b) Contain a description of the land which is intended to be acquired;
- c) State that the Government intends to acquire that land for a public purpose, and that written objections to the intended acquisition may be made to the Secretary to such Ministry as shall be specified in the notice.
- d) Specify a period within which such objections must be made, such period being not less than fourteen days from the date on which such notice is given.

After considering the objections, if the Minister is satisfied she/he can make a declaration in accordance with the criteria established by law that the said land should be acquired. The declaration is published in the Gazette. Then the land is surveyed by the Survey General's Department. When the land is valued at over Rs. 500/- notice is published in the newspapers and notice is also placed on the land. Those who have a claim on the land can then appear before the Acquiring Officer to assess compensation.

REQUISITIONING OF LAND ACT

Any public officer appointed by the Minister as a competent authority under this act, can with the prior approval of the President take possession of and give written directions necessary to expedite the taking of possession of any land which is required:

- a) for the purpose of maintaining of supplies or services essential for the life of the community
- b) for the purpose of implementing any scheme as approved by the President for importing storage and distribution of essential commodities.
- c) for the purposes of use or occupation by the armed forces or any visiting force.

URBAN DEVELOPMENT PROJECTS (SPECIAL PROVISIONS) ACT

The President can declare any land in any area urgently required for the purpose of carrying out an urban development project which would meet the just requirements of the general welfare of the People. This declaration is made based on a recommendation made by the Minister in charge of Urban Development.

4.6 IS COMPENSATION AWARDED IF THE STATE ACQUIRES PRIVATE LAND?

Yes.

The Acquiring Officer should evaluate the compensation following an inquiry. Compensation is evaluated based on the market value of the land. If a claimant is not satisfied with the decision of the Acquiring Officer, an appeal can be made to a Board of Review within 21 days of the notice of the award. A further appeal can be made to the District Court and the Court of Appeal.

UNDERSTANDING MASTERPLANS



Masterplans and development policies can be made for different purposes – they can be for a country, a province or even a single city or urban area. Some documents can be very technical or contain a lot of information that may seem like you need to be an expert in urban planning or architecture to understand. However, the people who know an area best are it's citizens and by breaking down a masterplan into components it is easier to make sense of the documents.



1. WHO IS THE MASTERPLAN FOR?

By answering this question we can identify the key constituency that should be involved in the entire process. Some plans can be targeting the whole city, targeting a particular industry (like agriculture or fisheries) or a specific target group like street vendors. These objectives are detailed at the start of the document itself and it should be our starting point for gathering directly affected persons and communities to engage in the masterplan process. This is also important because if there is land acquisition by the State for a 'public purpose', this group of people will be the best to answer whether the proposed project is indeed a public purpose or not.



2. WHO IS THE MASTERPLAN FUNDED BY?

This key piece of information can lead us to a lot of information that may not be easily accessible at the start. Any project that has State funding or State implementation enables us as citizens with a Right to Information (see section x on exercising your right to information in Sri Lanka) to seek more information about a development plan that will be using public money.

If a development project is funded by a multilateral bank there are certain legally binding processes an implementing agency (like the Urban Development Authority or Road Development Authority) is supposed

to follow. Banks like the World Bank, Asian Development Bank (ADB) and Asian Infrastructure Investment Bank (AIIB) have Safeguards Policies, Grievance Redress Mechanisms and Information Disclosure Policies that must be followed. These project documents can be accessed on their websites (see section x for more information) and will provide more information about the projects you are seeking to know more about. Safeguards Policies are legally binding and are in place to protect people and the environment from development projects. Grievance Redress Mechanisms allow affected groups or civil society to make complaints (even anonymously) if they think a right will be violated, a right has been violated, that the development project will or is resulting in a bad outcome. You can also use Sri Lankan laws to seek redress.



3. WHO WAS CONSULTED?

Some development plans have a list of professionals and groups that were consulted during the design process. These individuals or groups may have more information about the project and it would be useful to seek a discussion with them. State websites such as UDA website and even local government websites make available development plans for public comment. These documents should be available in all three languages and you have a right to request for a copy in the language you prefer. If you think important groups or even directly affected communities were not consulted during the design or implementation stages, you can advocate for these voices to be included.



4. QUESTION EVERYTHING.

Just because something is in a masterplan does not mean the information is accurate. Information can also be presented in a way that may seem like it is data driven, but

uses different definitions or lens to present information. Always check the source of data and even the definitions of terms, even if it means going to the people or places the data is speaking about.

For example, since 2012 development plans for Colombo city refer to low income settlements as 'underserved', 'illegal dwellers' or 'slum and shanty dwellers'. The UDA even presented data in the development plan on the number of houses and families who live in such settlements, and the documents objectives stated that by moving them to UDA built high-rise buildings, they will be providing the low income communities with better housing conditions while also developing the city. However, this is inaccurate as information from the Colombo Municipal Council and civil society states that majority of low income communities in Colombo live in permanently upgraded housing and do not have housing that classify as 'underserved' or 'slum'. Therefore the advocacy against urban regeneration in Colombo has been based on this unfair dispossession of communities by deliberate mislabelling by the State.



5. WHERE IS THE PLAN ON THE MAP?

Most development plans will have images of what the completed project will look like. They also indicate areas that the development will take place. By using tools like Google Maps you can look at the same sites featured in the masterplan and compare that with what you see now.

Some key questions you should ask include - Does the proposed plan have new infrastructure or buildings located on or near environmentally sensitive areas? Are they located where there are existing houses or agriculture land? Where would street vendors be? Is the terrain the proposed plans are located able to withstand such structures? What other changes need to be made in

the area to make the new plans possible? For example, sometimes a new road or even expressway will need to be built to enable the proposed plan. Would the land acquisition and construction dispossess people from homes or livelihood?



6. CHECK LOCATIONS.

Some plans propose new buildings or infrastructure that may not require moving people from their land but may be equally problematic. For example in Colombo, the wholesale vegetable, fruit and fish market that was located in Pettah was moving to Peliyagoda in 2021. The new market is bigger, was built on bare land and has a lot of facilities. However, it is not connected to public transport, the vegetable market is built in a way that does not have a lot of natural light which means vendors have to keep the lights on all day, the shop space is too small, there is not enough storage and cooling facilities and it is not easy to transport goods from the trucks to the shops. This has meant that expenses for vendors have increased, they have lost customers and their incomes have reduced.



7. MAP WITH COMMUNITIES.

The direct users of space and people who live in the areas understand the land best. Conduct the map comparison exercises and read the relevant sections of the masterplans together with them in order to understand the finer details of the consequences of implementing the proposed masterplan would be. It is useful to get a range of people involved in these exercises - women men and children, people of different age groups, people who do different occupations etc in order to understand the proposed plans more holistically.

8. COME UP WITH ALTERNATIVES.

Depending on the type of masterplan, sometimes it may be more beneficial to improve the plan rather than reject it outright. By consulting with affected communities, lawyers, subject specialists and professionals like planners and architects who can help with technical matters and even drawings, we can suggest a better way to achieve the same outcome that reflects the true needs of the citizens, does not harm people or the environment and will not have negative impacts that the originally proposed plan may have. For this we can look at the experiences of other cities or countries and learn from them to rethink the proposed masterplan. Collecting case studies from other cities or countries is also very effective way to explain why we are rejecting something or proposing an alternative.



9. BUILDING AN EFFECTIVE CAMPAIGN.

Whether you are rejecting a masterplan or trying to improve it, there are some key components to an effective campaign. Firstly the information you are basing on your campaign on must be accurate, up to date and centered around people. Sometimes we may not be able to find all the information on time, and in those times the information from people and communities will be important to highlight the impacts. You can use data collection tools such as questionnaires and participatory games to collect information from people.

Secondly, the information you collect must be able to tell a complex story. Particularly when talking about impacts, it may not be sufficient to say 'this many people will lose their homes' or 'this many livelihoods will be impacted'. The narrative could talk about how dispossession and income loss will lead to the next generation and their education to be impacted, how it will impact families'

nutrition and health. It could also talk about how shifts in livelihood could impact the broader value chain, social security, climate change or food environment.

For example, in Colombo when we talk about the impact of infrastructure projects on low income communities we mention how many people have lost their homes, but we also talk about how the moving of the wholesale markets (mentioned above) has increased prices of fresh produce which makes it harder for these communities to buy them and how that impacts their nutrition, how the relocations have made their commute to school and workplace more expensive which means that they are sacrificing what they consume in order to travel or that they are not sending children to school everyday because they cannot afford the transport.



10. FIND ALLIES.

Whether it is in the mainstream media or social media, or whether it is similarly affected groups in other parts of the country it is important to find allies who can not only amplify your campaign but from whom you can also learn also. What lessons can we learn from the experiences of other communities who have experienced similar development projects? How can we connect existing campaigns or similar development projects to ours to build a broader coalition? Sustaining a campaign and continuing to build it is hard in isolation and it is beneficial to connect to other networks and campaigns.

ARE YOU BEING ASKED TO MOVE? PRACTICAL STEPS AND RESPONSES TO SECURE YOUR RIGHTS



Act fast, speak up and seek assistance to ensure the return of your land or secure alternative land and seek compensation for the lost property.



Ensure that you have accurate information and documentation to prove ownership in order to speed up all remedial actions. Having valid documents for your land is important. If you don't have the required documentation make sure to get legal advice on how to obtain the relevant documents.



Even if you don't own the land you are asked to move out of, the state may still have a responsibility to provide you alternate accommodation and/or compensation so as not to render you destitute. This will depend on the facts and circumstances of the case including the length and nature of your occupation and you should seek legal and other advice on how best to protect your rights. It is important to note that there is no right to private property or shelter, expressly provided under the Constitution so it will depend on how the matter is negotiated with the relevant state authority and/or the judiciary, if the case is taken to court.



When establishing ownership, sometimes people without title deeds, possess other documentation including tax payments and bills for water, electricity, green card etc, and voter registration forms that prove their occupation of the land. Unfortunately, under current law, these documents do not confer any rights to the land.



Make verbal and written requests from the relevant authority to give you all relevant information. Insist that information be given in writing.

- Who is asking you to move (is it a state institution – is it a court, a private person?)
- Ask for the copy of any gazette, notice, government authority decision that the authority refers to.
- Why your land is affected/purpose of eviction? The State can only acquire private land under the Land Acquisition Act, for a public purpose. While state practice has been not to divulge the purpose at the time of acquisition, Sri Lankan courts have held that the public purpose must be divulged and that the purpose must benefit the public. Therefore, it's important from the outset to demand that the state authority reveals the public purpose to all those affected, so that you can clearly make your objections.
- Ask whether the government authority has provided for relocation options. If they have, ask for details of type of alternate accommodation or land, location, value, amenities, access to services. You are then in a better position to negotiate and demonstrate that the land and property that you are giving up is of more value than what you are getting in its place.
- How much compensation? How will it be computed? Will it take into account joint ownership? (also applies to relocation) Will it be paid in a timely and transparent manner?



If you are asked to sign any documents, ensure that it is in a language that you understand, you read it carefully and that you request for a copy of the document for your records. You should not sign any document that you do not understand and have the right to seek the advice of a lawyer or any person of your choice before signing. Under the Constitution (Article 22(2)), you have the right to receive any official document in the language of your choice, whether Sinhala or Tamil, even if the language of administration is Sinhala (as is the case in Colombo). You have the right to ask that the original be issued in your preferred language or ask for a translation. This right also applies if you wish to inspect any official documents.



Practically, you must ensure that any form that you sign accurately reflects your intentions and does not undermine your rights. For instance, a form which is in the format of a 'request for alternate land' has been circulated among persons whose land has been marked for development by the UDA. The form gives the impression that people volunteered to leave their property in return for alternative land. While not strictly illegal, many of those who signed state that they were not given full information on the purpose and implication of the form at the point of signing. It is reasonable to ask that you be allowed to take a copy of the document and seek advice before you sign anything.



Raise objections. You can raise objections with the State institution that is asking you to leave and also if there is a court order, in Court. Always lodge written complaints as early as possible, delays may adversely affect your rights.



If you believe the state has treated you unfairly or not in accordance with the law – make sure to file a complaint with the Human Rights Commission of Sri Lanka (this ensures that your complaint is officially lodged and will enable you to pursue a Fundamental Rights application in the Supreme Court should you wish to do so later. Any fundamental rights application must be filed within a month of the violation; however this time bar is suspended during the pendency of an inquiry by the HRCSL into a complaint on the same matter.



Verbal reassurances / promises by any State individual or institution has little value in a Court. It is best that you ensure that you receive written communications on all relevant matters. You may even be told not to make any official complaint or file case and then your matter will be settled/resolved or addressed. It is legally precarious to delay complaints. You always have the right to withdraw any complaint if you are satisfied later with the State's solution to your grievance.

FILING A RIGHT TO INFORMATION APPLICATION



WHAT IS THE RIGHT TO INFORMATION?

RTI is your fundamental right to get information held by public authorities. Public Authorities have a lot of information that is held in trust for the citizens of the country. As citizens, you now have a fundamental right to access this information. The Right to Information Act No. 12 of 2016, passed on 4th August 2016, sets out the process that citizens can use to access information. It's a simple process of lodging a request at the relevant Public Authority. With the normal process, you should get the information within a maximum of 28 days (if the information is a lot, or has to be obtained from a different location, it can take upto 21 days more). The information you ask for doesn't have to be related to you personally. You can ask for any other public information. It is a right as well as a responsibility, on your part. Through RTI, you can participate in governance, by asking for information for yourself as well as in the public interest, for your neighbourhood, community, or country.

The information you can request for can be material recorded in any form including records, documents, memos, emails, opinions, advice, press releases, circulars, orders, log books, contracts, reports, papers, samples, models, correspondence, memorandum, draft legislation, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microfilm, sound recording, video tape, machine readable record, computer records and other documentary material, regardless of its physical form or character and any copy of them.

You do not need to give a reason to ask for information and a reason cannot be demanded from you either. There is no specific application form to fill and you just need to give the details of the information and the form (letter, CD, etc.) or language, in which you need it in writing (written or electronic).

WHO CAN I REQUEST INFORMATION FROM?

WHO DO I GO TO?

The Information Officer in every Public Authority.



WHAT ARE PUBLIC AUTHORITIES?

Anybody, office or institution or department or authority established under the constitution or any written law and any private organization or authority operating under the license provided by the government or providing public function or service.

This includes:

- Ministries
- Government Departments
- Public corporations
- Local Authorities
- Higher educational institutions that are publicly funded
- Private educational institutions recognized under law, or are publicly funded to some extent

CAN WE MAKE COMPLAINTS UNDER THIS ACT? HOW?

Yes.

If the Information Officer or Designated Officer deliberately refuses to give the information or fails to do their mandated duties provided by this Act, citizens can complain to the Right to Information Commission and they will direct the relevant disciplinary authority to take action. The disciplinary authority has to report back to the Commission in 1 month. For more serious offences, such as destroying information or giving incorrect information, the Commission can file action in the Magistrate's Courts.

APPEALS

WHAT IF THEY DON'T GIVE THE INFORMATION?

- You can make an appeal to the Designated Officer within 14 days of the refusal.
- If the applicant fails to appeal within fourteen days for reasons beyond their control, the Designated Officer will accept the application where reasonable cause is given for the delay.
- The Designated Officer has to give a decision within 2 weeks.
- If they fail to give a decision or refuse, you can appeal within 2 months to the Right to Information Commission.
- Commission decision within 30 days – Can affirm, vary or reverse the decision of the Designated Officer or the Information Officer.
- Can appeal to the Court of Appeal within 1 month of the decision of the Commission.

(Source: RTI Watch, Transparency International Sri Lanka)

RESOURCES FOR INFORMATION



Information regarding development projects can be accessed through websites of government ministries and even state institutions like the UDA website or local authority websites. You can also request information directly through the Right to Information Act.

Here are some other resources that can be useful to get more information.

1. Government documents such as Gazettes, Hansards and even Auditor General's reports contain a lot of useful information. By searching for keywords like the area name, name of the project, or any specific information may yield results.

<http://documents.gov.lk/>

<https://www.parliament.lk/business-of-parliament/hansards>

<http://auditorgeneral.gov.lk/>

2. As mentioned above, multilateral bank websites and their Sri Lankan offices are another source of information for development projects funded by them. If this is too technical for you, there are civil society groups who specialise in these matters that you can reach out to. For example, for ADB or AIIB funded projects you can contact NGO Forum on ADB, a Manila based group (<https://www.forum-adb.org/>) and for World Bank projects you can contact the Bank Information Center, a Washington D.C based group (<http://bankinformationcenter.org>), Centre for Financial Accountability in India (<https://www.cenfa.org>).

World Bank projects - <https://projects.worldbank.org/en/projects-operations/projects-home>

Asian Development Bank (ADB) projects - <https://www.adb.org/projects>,
<https://www.adb.org/projects/documents>

Asian Infrastructure Investment Bank (AIIB) projects - <https://www.aiib.org/en/projects/list/index.html>

3. For information regarding projects funded by China and Chinese banks - <https://china.aiddata.org/>

4. If you are looking for information and the website you are searching for no longer exists, this website called the Way Back Machine has archives of websites you can search for - <https://archive.org/web/>

If the Way Back Machine does not have the Sri Lankan website you are looking for, Websites at Risk has an archives of Sri Lankan websites from the government and civil society that may not be available today - <https://sitesatrisksl.wordpress.com/>



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