

Sri Lanka Brief | Update 06 March 2026. (Expanded version)

The Court of Appeal judgment, Media Responsibility, Public Media and the RTI in Sri Lanka

(Based on CA/RTI 0003/2024, Judgment delivered 5 March 2026)

Compiled by Sunanda Deshapriya

1. Landmark ruling on private broadcasters and RTI

The Court of Appeal judgment in CA/RTI 0003/2024 marks a significant development in Sri Lanka’s media and transparency jurisprudence. For the first time with this degree of clarity, the Court affirmed that private television broadcasters operating under government-issued licences may fall within the definition of a “public authority” under Section 43(g) of the Right to Information Act. This ruling decisively moves beyond the traditional assumption that only state-owned media entities are subject to RTI obligations. It establishes that private broadcasters, by virtue of their use of public airwaves and regulatory privileges, carry legal duties to the public that include transparency and accountability.

2. Case background and citizen-triggered accountability

The case originated from an RTI request made by a mother whose son was named in a television news report as having confessed to a murder. The report was later challenged as inaccurate and misleading. Seeking accountability, she requested information regarding the sources and verification processes used by the broadcaster. The refusal by the television channel triggered proceedings before the Right to Information Commission and ultimately the Court of Appeal. This background highlights how ordinary citizens increasingly use RTI mechanisms to challenge media narratives and seek redress against harmful or irresponsible reporting.

3. RTI Commission decision upheld by the Court

The Court of Appeal affirmed the decision of the Right to Information Commission, rejecting the broadcaster’s appeal in its entirety. The Court found that the Commission had acted lawfully in determining that the broadcaster was subject to RTI obligations for the limited information requested. Importantly, the Court did not order disclosure of confidential sources but confined disclosure to verification processes and responsible editorial personnel. This reinforces the Commission’s role as an independent oversight body capable of balancing press freedom with the public’s right to information and accountability.

4. Right to Information as a constitutional guarantee

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The judgment strongly reaffirms that the Right to Information is not merely a statutory privilege, but a constitutional right enshrined in Article 14A of the Constitution. The Court emphasized that RTI exists to promote transparency, accountability, and democratic participation. Any interpretation of the RTI Act, the Court held, must therefore be purposive and aligned with constitutional values. Attempts by institutions—public or private—to evade disclosure obligations undermine the spirit of Article 14A and weaken democratic governance.

5. Private broadcasters performing public functions

A central finding of the Court is that private broadcasters perform a public function when they disseminate news and information to the public using licensed frequencies. The Court rejected the argument that profit orientation or private ownership automatically exempts media entities from public law obligations. Broadcasting, the Court noted, directly shapes public opinion, democratic participation, and access to information. When such power is exercised under state-issued licences, it necessarily carries public responsibilities, including openness to scrutiny under the RTI framework.

6. Airwaves recognised as public property

Drawing on both Sri Lankan and comparative jurisprudence, the Court reiterated that airwaves are public property held in trust by the State. They are not owned by either the government or private broadcasters. This doctrine of public trust means that any entity granted access to airwaves must operate in the public interest. The Court's reasoning underscores that the right to broadcast is not absolute or proprietary but conditional on compliance with legal and ethical obligations designed to protect the public's right to receive accurate and reliable information.

7. Broadcasting licences impose enforceable public duties

The Court emphasized that licences issued under the Sri Lanka Rupavahini Corporation Act and telecommunications laws are not merely technical permissions. They impose enforceable public duties, including accuracy, impartiality, and respect for public interest. By accepting a broadcasting licence, private television networks accept regulatory oversight and legal accountability. This interpretation reinforces the idea that media regulation is not censorship but a framework for ensuring responsible exercise of powerful communicative privileges.

8. Media freedom is fundamental but not absolute

While strongly affirming the importance of media freedom in a democratic society, the Court made clear that such freedom is not absolute. It must coexist with other fundamental rights, including the right to reputation, privacy, and access to truthful information. The judgment rejects the notion that claims of press freedom can be used

as a shield against accountability. Instead, it frames media freedom as a responsibility-driven right that must be exercised with care, accuracy, and ethical judgment.

9. Accuracy and verification as legal obligations

The Court treated accuracy and verification not merely as professional ethics but as legal obligations flowing from broadcasting law and constitutional principles. It stressed that news reporting, especially in criminal matters, has real and potentially irreversible consequences for individuals. False or premature reporting can destroy reputations and undermine justice. Therefore, broadcasters must be able to demonstrate that news items were properly verified through editorial oversight before dissemination.

10. Harm caused by false and misleading reporting

The judgment recognises the serious harm caused by inaccurate or misleading news reporting. Such harm is not limited to individuals but extends to public trust in the media as an institution. When broadcasters publish unverified claims—particularly about criminal guilt—they contribute to trial by media and erode confidence in both journalism and the justice system. The Court’s reasoning reflects growing judicial concern about sensationalism and its social consequences in Sri Lanka’s media landscape.

11. Fiduciary relationship exemption rejected

The broadcaster attempted to rely on Section 5(g) of the RTI Act, arguing that journalistic sources are protected by a fiduciary relationship. The Court rejected this argument, clarifying that employees, provincial correspondents, or agents of a media institution do not constitute independent fiduciary relationships. The judgment carefully distinguished between legitimate protection of confidential sources and blanket claims of secrecy designed to evade accountability.

12. Public interest overrides confidentiality claims

The Court reaffirmed that exemptions under Section 5 of the RTI Act must be interpreted narrowly. Even where confidentiality exists, disclosure may be required if public interest outweighs potential harm. In this case, the limited information sought—verification procedures and responsible editors—served a compelling public interest without endangering sources. This reinforces the RTI principle that secrecy must be justified, not assumed.

13. Rights of viewers and listeners take precedence

Citing earlier Supreme Court jurisprudence, the Court emphasized that the rights of viewers and listeners are paramount. Broadcasting power exists to serve the public, not the commercial or editorial preferences of media owners. The judgment reframes media regulation around audience rights—the right to accurate, balanced, and fair information—rather than broadcaster privilege.

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14. Editorial accountability is not private information

The Court ruled that the identities of editors and news directors responsible for verifying news content do not constitute private or sensitive personal data. Such information is integral to accountability in news production. Disclosure enables the public to understand how editorial decisions are made and who bears responsibility for errors or misconduct.

15. Strengthening accountability without chilling journalism

Importantly, the judgment balances accountability with protection of legitimate journalistic functions. It does not compel disclosure of confidential sources or investigative methods. Instead, it targets structural accountability—verification processes and editorial responsibility—thereby strengthening trust in journalism without chilling investigative reporting.

16. Judicial recognition of misinformation harms

The Court explicitly acknowledged the dangers of misinformation and disinformation, particularly in the digital and broadcast media environment. It noted how false information spreads rapidly and disproportionately harms vulnerable individuals who lack resources to counter public narratives. This recognition places judicial weight behind calls for stronger media responsibility frameworks.

17. Balancing privacy with the right to know

The judgment carefully balanced the privacy rights of individuals under criminal investigation with the public's right to information. It reaffirmed that suspects enjoy a reasonable expectation of privacy prior to conviction and that media must exercise restraint. This balance is critical in preventing irreversible reputational harm.

18. Disclosure as the rule, refusal as exception

Reiterating established RTI jurisprudence, the Court stated that access to information is the rule, while refusal is the exception. Institutions seeking to deny information must demonstrate clear statutory grounds. This principle strengthens RTI enforcement across sectors, including media.

19. Private media subject to constitutional values

The judgment firmly establishes that private media entities are not insulated from constitutional scrutiny when they perform public functions. Freedom of expression must be exercised consistently with equality, dignity, and accountability. This principle reinforces democratic norms in an increasingly privatised media environment.

20. A precedent with long-term democratic impact

This ruling sets a powerful precedent for media accountability, RTI enforcement, and democratic governance in Sri Lanka. It strengthens the public's right to know, reinforces responsible journalism, and clarifies that access to public resources carries public obligations. Its long-term impact will extend beyond media law into the broader struggle for transparency and accountability.

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