

**IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST REPUBLIC  
OF SRI LANKA**

In the matter of an appeal under and in terms of S.34 (1) of the Right to Information Act No. 12 of 2016 read with Court of Appeal (Appellate Procedure) Rules 1990.

**RTI Appeal No.  
RTIC/Appeal/1571/2023**

**Court of Appeal Case No.  
CA/RTI 0003/2024**

M.J.K. Dissanayake,  
No.71/A, Allekade,  
Vilanagama.

**Appellant**

**Vs.**

Asia Broadcasting Corporation (Pvt) Ltd.,  
35 and 37 Floors,  
East Tower,  
World Trade Center,  
Colombo 01.

**Respondent**

**AND NOW BETWEEN**

Asia Broadcasting Corporation (Pvt) Ltd.,  
35 and 37 Floors,  
East Tower,  
World Trade Center,  
Colombo 01.

**Respondent-Petitioner**

**Vs.**

M.J.K. Dissanayake,  
No.71/A, Allekade,  
Vilanagama.

**Appellant-Respondent**

Right to Information Commission,  
Room No.203-204, BMICH,  
Bauddhaloka Mawatha,  
Colombo 07.

**Respondent**

**Before:** **R. Gurusinghe J.**

**&**

**Dr. Sumudu Premachandra J.**

**Counsel:** Manoj Bandara with Thidas Herath and Thamali Wijekoon instructed by Sudath Perera Associates for the Respondent-Petitioner

Suren D. Perera with Manushika Cooray and Hiruni Perera for the Appellant – Respondent instructed by Human Rights Law Chambers.

Aruni Senarathna for the 2<sup>nd</sup> Respondent.

**Written Submissions:** Petitioner-not filed  
20/02/2026 by the Appellant Respondent  
24/02/2026 by the Respondent

**Argued on:** 13/01/2026.

**Judgement On:** 05/03/2026.

**Dr. Sumudu Premachandra J.**

1] The dispute began when the mother of a murder suspect, Appellant-Respondent, requested information from the Respondent-Petitioner, the broadcaster, Asia Broadcasting Corporation (Pvt) Ltd, through Hiru TV, regarding the sources and verification of news reports aired about her son's arrest. The broadcaster refused to provide the information, leading the RTI Commission to rule that the broadcaster is a "public authority" under Section 43(g) of the RTI Act and is therefore mandated to disclose certain information.

2] Being aggrieved to the said decision of the Right to Information Commission, the Respondent Petitioner, broadcaster, prays that this Court be pleased to;

- a) Issue notice on the Appellant-Respondent and the Respondent;
- b) Set aside the impugned decision of the Respondent dated 20/06/2024 marked as A12 to the Petition;
- c) Issue an interim order staying the operation of the impugned decision of the Respondent dated 20/06/2024 marked as A12 to the Petition;
- d) Issue an interim order preventing the Respondent from commencing and/or proceeding with enforcement of the impugned decision of the Respondent dated 20/06/2024 marked as A12 to the Petition;
- e) Grant costs;
- f) Grant such other and further relief as Your Lordships Court shall deem meet.

3] At the very outset, by way of a petition, filed by the Lanka Broadcasters Guild, they seek to intervene in this case which application was refused by this court by order dated 23/07/2025.

4] The Petitioner's primary legal argument is that they are a private, profit-oriented entity, fully owned and managed by private individuals, and do not fall under the statutory definition of a "public authority." They contend that simply operating under a government-issued license (such as a broadcasting or telecommunications license) does not transform a private business into a public service provider. The Petitioner warns that if the Commission's interpretation stands, any private business requiring a license from bus operators to medical clinics could be subjected to RTI requests, which would lead to an "undesirable effect" on private enterprise.

5] Regarding the specific information requested, the Petitioner argues that even if they were a public authority, the data is protected under Section 5(1) of the RTI Act. They claim the information relates to fiduciary relationships and confidential sources of news, the disclosure of which could cause grave prejudice to law enforcement, the prevention of crime, and the safety of confidential sources. While the RTI Commission's initial order protected some information

under these clauses, it still directed the disclosure of other details, which the Petitioner maintains violates the principle of media freedom and the protection of sources.

6] The Petitioner seeks to reverse the RTI Commission's order, arguing it is contrary to law and based on a misinterpretation of the Act. They maintain that as a media organization, their primary objective is commercial, and providing a "benefit" to the public through news does not constitute a "public service" in the legal sense.

7] Their key argument is that the mere possession of a regulatory license or the use of public resources does not transform a private company into a body performing a "public service" or "statutory function" as defined under Section 43 of the RTI Act.

8] By resisting the application, the Appellant-Respondent argues that the Petitioner's telecast with regard to the impugned news item that they telecasted that the suspect had confessed, is falsely claimed thereby violating the Sri Lanka Rupavahini Corporation Act and the conditions of their television broadcasting license, which mandate accuracy and public interest.

9] The Respondent further argues that the Petitioner falls under the RTI Act's jurisdiction as a public authority and has failed to maintain the high standards of programming required by law.

10] The Appellant Respondent disputes the broadcaster's refusal to provide information, specifically regarding a news report from August 2023 about a murder in Alawathugoda. She alleges that Hiru TV aired inaccurate and misleading information by falsely claiming a suspect (her son) had confessed to the crime. To this effect, she argues, that Hiru Tv violated the provision of the Sri Lanka Rupavahini Corporation Act and the conditions of the station's broadcasting license, which mandate high standards of accuracy and reporting in the public interest. She says that Hiru TV, the broadcaster operates under a government-issued license and utilizes limited public airwaves, it performs a "public function."

11] On contrary, the Petitioner denies all allegations of professional misconduct. The Petitioner asserts that the news report was based on reliable information obtained through standard journalistic practices and argues that the legal challenge is an attempt to unmask confidential sources, which is protected under the fiduciary relationship between a journalist and their source.

12] They draw that the legal distinction between a private television network and a "Public Authority" as defined by Section 43 of the Right to Information Act. The Petitioner argues that Hiru TV is a private entity operating under licenses issued by the Minister of Mass Media and the Telecommunications Regulatory Commission (TRC), which does not equate to carrying out a "statutory or public function."

13] I now consider the merits of this application. The primary matter to be concerned is whether the Petitioner, Hiru TV, being a private TV Channel operates a public function. It is a fact that the Petitioner operates under a government license and performs as a media corporation and its medium is air, goes through island wide.

14] The regime of Right to Information is enshrined as a fundamental right under Article 14A of our Constitution. It says,

*"14A. (1) Every citizen shall have the right of access to any information as provided for by law, being information that is required for the exercise or protection of a citizen's right held by: -*

*(a) the State, a Ministry or any Government Department or any statutory body established or created by or under any law;*

*b) any Ministry of a Minister of the Board of Ministers of a Province or any Department or any statutory body established or created by a statute of a Provincial Council;*

*(c) any local authority; and*

*(d) any other person, who is in possession of such information relating to any institution referred to in sub-paragraphs (a), (b) or (c) of this paragraph.*

*(2) No restrictions shall be placed on the right declared and recognized by this Article, other than **such restrictions prescribed by law** as are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals and of the reputation or the rights of*

*others, privacy, prevention of contempt of court, protection of parliamentary privilege, for preventing the disclosure of information communicated in confidence, or for maintaining the authority and impartiality of the judiciary.” [Emphasis is added]*

15] The Right to Information Act No. 16 of 2016 is enacted in line with the above Article and the Preamble to the Right to Information Act No. 16 of 2016 says;

*“AN ACT TO PROVIDE FOR THE RIGHT OF ACCESS TO INFORMATION; TO SPECIFY GROUNDS ON WHICH ACCESS MAY BE DENIED; TO ESTABLISH THE RIGHT TO INFORMATION COMMISSION; TO APPOINT INFORMATION OFFICERS; TO SET OUT THE PROCEDURE AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.*

*WHEREAS the Constitution guarantees the right of access to information in Article 14A thereof and there exists a need to foster a culture of transparency and accountability in public authorities by giving effect to the right of access to information and thereby promote a society in which the people of Sri Lanka would be able to more fully participate in public life through combating corruption and promoting accountability and good governance”.*

16] Section 3 of the Right to Information Act, No. 12 of 2016, grants every citizen the right of access to information, subject to the provisions of Section 5. It says;

*“3. (1) Subject to the provisions of section 5 of this Act, **every citizen shall have a right of access to information** which is in the possession, custody or control of a public authority. (2) The provisions of this Act, shall not be in derogation of the powers, privileges and practices of Parliament” [Emphasis is added]*

17] This section crystallised that not only citizens related to the issue in hand, but also any citizen who is interested to access the information has the right subject to restriction of section 5 of the Act.

18] Section 04 of the Act provides, that,

*“The provisions of this Act shall have effect notwithstanding anything to the contrary in any other written law and accordingly in the event of any inconsistency or conflict between the provisions of this Act and such other written law, the provisions of this Act shall prevail,”*

19] Thus, it is to be noted that making the restrictions on information imposed in the Act itself to be the only restrictions that are mentioned in the section 5 of the Act.

20] In this case the Petitioner seeks a blanket cover under section 5(g) of the said act and further contends that they cannot be treated as a public authority. The section 5(g) says;

*“5(g) the information is required to be kept confidential by reason of the existence of a fiduciary relationship”*

21] Under section 5 of Sri Lanka's Act a fiduciary relationship means that where one person holds information in trust for another, such as banker-client or doctor-patient; could be exempted from disclosure. This protects confidential personal or commercial data, the court or RTI Commission may order disclosure if public interest overrides confidentiality. In this case the Petitioner does not have any fiduciary relationship with the particular information provider. The Petitioner gathers new items from their provincial news agents and they work as agents or employees of the Petitioner, Hiru TV. Therefore, there cannot be a fiduciary relationship between the Petitioner and Information Provider. Thus, argument put forward that the Petitioner has the shelter of section 5(g) must be rejected.

22] I now consider whether Hiru TV comes within the purview of ‘Public authority’. Public Authority is defined in section 43 of the Act to say, that,

*“Public authority” means*

*(a) a Ministry of the Government;*

*(b) anybody or office created or established by or under the Constitution, any written law, other than the Companies Act No. 7 of 2007, except to the extent specified in paragraph (e), or a statute of a Provincial Council;*

*(c) a Government Department;*

*(d) a public corporation;*

*(e) a company incorporated under the Companies Act, No. 7 of 2007, in which the State, or a public corporation or the State and a public corporation together hold twenty-five per centum or more of the shares or otherwise has a controlling interest....”*

23] According to A1 (also marked as R3), the Petitioner has been registered under the Companies Act No.7 of 2007 under No. P.V. 16452. The State or Public Corporation does not hold any percentage of shares (in that event, shares should be 25% or above), thus, the interpretation under section 43(3) is out. However, the sub heading under 43(b) says, “(b) anybody or office created or established by or under the Constitution, any written law, other than the Companies Act No. 7 of 2007, except to the extent specified in paragraph (e), or a statute of a Provincial Council...” is considered as a public authority. This has a broad coverage in relation to public authority. In the case in hand the Petitioner Company has been registered under Companies Act No. 7 of 2007 (other than the Companies Act No. 7 of 2007, except to the extent specified in paragraph (e)), it does not come within the purview.

24] However, the legal basis for "Public Authority" Classification under section 43(g) Right to Information Act, No. 12 of 2016 cannot be lightly ignored. It enacts;

*“43(g) a **private entity or organisation** which is carrying out a statutory or **public function or service**, under a contract, a partnership, an agreement or **a license from the government or its agencies or from a local body**, but only to the extent of activities covered by that statutory or public function or service”*

25] Thus, private entity or organization which is carrying public function or service under a license from government or its agencies subjected to Right to Information Act, can be considered as public authority. Though the Petitioner is a private broadcaster under the above definition it could be treated as "public authority" which functions under Section 43(g) of the Act. Section 43(g) of the Act is based on the rationale that broadcasters perform a "public function or service" by utilizing public frequencies licensed by the State (Ministry of Mass Media/Telecommunication Regulatory Commission)

26] In this case the Petitioner operates under license issued under the Sri Lanka Rupavahini Corporation Act No. 6 of 1982 and the Telecommunication Regulatory Commission. If the Petitioner broadcaster is deemed to be a public authority, the Petitioner is generally required to adhere to:

- Transparency in operation.
- The obligation to release information under the RTI Act.

- Compliance with content standards regarding public interest

27] In **Secretary, Ministry of Information & Broadcasting v. Cricket Association of Bengal** 1995 AIR 1236, 1995 SCC (2) 161, AIR 1995 SUPREME COURT 1236, 1995 (2) SCC 161, 1995 AIR SCW 1856, (1995) 1 SCR 1036 (SC), (1995) 2 JT 110 (SC), the Supreme Court of India declared that airwaves are public property and not the exclusive domain of the state or any private entity. The Court further held that airwaves must be used for the public good and that freedom of speech (Article 19(1)(a) of the Indian Constitution) includes the right to receive and impart information via the airwaves.

28] In **Bennett Rathnayake v. The Sri Lanka Rupavahini Corporation** [1999] 2 SLR 93, our Supreme Court ruled that the power to control airwaves is held in trust for the public. The Court stated that broadcast authorities must exercise this power for the public's benefit, ensuring fair procedures and upholding freedom of expression.

29] Further, in **Fernando v. The Sri Lanka Broadcasting Corporation** [1996] 1 SLR 157, again Supreme Court emphasized the "right to know" as part of the freedom of speech, stating that the public has a right to access information from diverse sources, which justifies the public property nature of the airwaves. The Court held;

*“Article 14(1)(a) of the Constitution is not to be interpreted narrowly. Not only does it include every form of expression, but its protection may be invoked in combination with other express guarantees (such as the right to equality); and it extends to and includes implied guarantees necessary to make the express guarantees meaningful. Thus, it may include the right to obtain and record information, may be by means of oral interviews publications, tape-recordings, photographs and the like, and, arguably, **it may even extend to a privilege not to be compelled to disclose sources of information**, if that privilege is necessary to make the right to information “fully meaningful”. Likewise other rights may be needed to make the actual exercise of the freedom of speech effective: rights in respect of venues, amplifying devices, etc.” [Emphasis is added]*

30] Moreover, in **Determination Re The Broadcasting Authority Bill** (S.D. No 1/97 – 15/97), delivered on 05/05/1997, the Supreme Court ruled that the proposed Broadcasting Authority Bill was unconstitutional and held under the Doctrine of Public Trust, that airwaves and frequencies are public property and the government acts as a trustee, rather than an owner, for their use. Thus, the Petitioner cannot escape the obligations and liabilities as public authority.

31] It is to be noted the court stressed on the public interest at large in deciding and in ***Mallawarachchi v. Seneviratne, OIC Kekirawa*** [1992] 1 SLR 181 the Supreme Court held with regard to freedom of speech and right to receive information as;

*“A true statement, made in the public interest or in the protection of a lawful interest, would be clearly in the exercise of freedom of speech although ex facie defamatory. Such statements may be made by way of criticism of those holding or seeking public office, particularly where relevant to such office.”*

32] Thus, the statement published should always be truthful and should be made aware in the public interest. It should be noted section 28 of the Sri Lanka Rupavahini Corporation Act, No. 6 of 1982, stipulates that for television broadcasting, they must have a licence from the Minister and Minister may issue licence for the establishment and maintenance of a private television broadcasting station.

*“28. (1) No person other than the Corporation established under this Act shall maintain a television broadcasting station unless such person has obtained a licence from the Minister.*

*(2) The Minister may in consultation with the Corporation issue **to any person a licence for the establishment and maintenance of a private television broadcasting station.**” [Emphasis is added]*

33] Further, Section 32 of Sri Lanka Rupavahini Corporation Act, No. 6 of 1982 illustrates;

*"Private television broadcasting station" means a television station established or operated by any person other than the Corporation*

*"Television broadcasting" includes cable television but excludes the broadcasting of radio programmes;*

*"Television programme" or "programmes" includes any signal, announcement, item, communication, picture or other matter broadcast or intended to be broadcast from a television broadcasting station for reception by the public.*

34] When the licence is obtained under the Sri Lanka Rupavahini Corporation Act, No. 6 of 1982, the Broadcaster is liable to present any news given in the programme (in whatever form) with due accuracy and impartially and with due regard to the public interest. Section 7(2) says;

*“7 (2) For the exercise of its functions under paragraph (c) of subsection (1), it shall be the duty of the Corporation to satisfy itself that, as far as practicable, the programmes broadcast by the Corporation comply with the following requirements:*

*(a) that nothing is included in any such programme which offends against good taste or decency or is likely to incite to crime or to lead to disorder or to offend any racial or religious susceptibilities or to be offensive to public feelings;*

*(b) that the programmes maintain a proper local, regional and international balance and a balance in their subject-matter and a high general standard of quality;*

*(c) that any news given in the programme (in whatever form) is presented **with due accuracy and impartially and with due regard to the public interest.**” [Emphasis is added]*

35] In **U. N. S. P. Kurukulasuriya and other vs Sri Lanka Rupavahini Corporation and others**, SC FR Application No. 556/2008 & 557/2008, Decided on: 17/02/2021, Aluwihare, PC J. has emphasised the public in line with the right of viewers and listeners as follows;

*“The provision no doubt imposes a statutory obligation on the SLRC to present any news conveyed through their programmes impartially and with due regard to public interest...*

*...the Respondents, that they have absolute discretion and control over views that are telecasted through the television channel that they are steering. Media institutions certainly should be given discretion to curate their programmes, but such discretion must be exercised within the objectives and parameters set out in the law referred to earlier. Media institutions must curate their programmes to include all views and cater to all citizens equally without manipulating the leverage they have over public opinion.*

***It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount.***” [Emphasis is added]

36] When considering the cases outside the jurisdiction, Justice Marshall in the US case of **Stanley v. Georgia** 394 US 557 (1969), delivering the opinion of the Supreme Court held;

*“It is now well established that the Constitution protects the right to receive information and ideas... This freedom [of speech and press] ... necessarily protects the right to receive...This right to receive information and ideas, regardless of their social worth, is fundamental to our free society.”*

37] In **ABC vs Commissioner Of Police & Ors.** on 05/02/2013, VIPIN SANGHI, J. (<https://indiankanoon.org/doc/149860325/> ) considered the importance of the public interest as;

*“36. Respondent No. 2 while functioning as a widely read newspaper, disseminating news & views to the public at large, and respondent No.3 while functioning as a news channel, perform the important public function of disseminating information & views and holding public debates & discussion in the society. The press and the media, in a democracy where freedom of speech & expression is preserved, have an extremely vital role to perform in the larger public interest. The press & the media are instrumentalities through which the right to freedom of speech and expression of the citizens is exercised and they are also the repository of public trust and faith. **Consequently, they owe a duty to the public at large to report news & views which ought to be reported, correctly and wherever necessary, with restrain and caution...***

*The controversy in the present case, as aforementioned, relates to the alleged disclosure of the identity of the petitioner’s daughter, who had reported a case of alleged child sexual abuse against her own father, by the respondents herein. The duty of the respondents herein to maintain utmost secrecy and confidence in the matter of identity of the petitioner’s daughter has not been disputed. **Such a duty of the press & media stems from the need to prevent social obliteration and humiliation of the victim. The potential of the press and media to cause such harm is immense because the press and the media enjoy a position of trust in the society and also because of their reach. Any function/activity, alleged to be in violation of such duty, would fall within the ambit of scrutiny of this court** exercising jurisdiction under Article 226,*

especially when the same is alleged to have infringed the fundamental rights of the victim. Therefore, the respondent nos. 2 and 3 are subject to the writ jurisdiction of this court in respect of the public function and public duty performed by them. .... .." [Emphasis is added]

38] Further, the Supreme Court of India in **Sanjoy Narayan, Editor in Chief Hindustan & Ors. Vs. Hon'ble High Court of Allahabad through Registrar General**, 2011 (9) SCALE 532, has, inter alia, observed:

"5. **The media, be it electronic or print media, is generally called the fourth pillar of democracy.** The media, in all its forms, whether electronic or print, discharges a very onerous duty of keeping the people knowledgeable and informed.

6. **The impact of media is far-reaching as it reaches not only the people physically but also influences them mentally.** It creates opinions, broadcasts different points of view, brings to the fore wrongs and lapses of the Government and all other governing bodies and is an important tool in restraining corruption and other ill-effects of society. The media ensures that the individual actively participates in the decision-making process. The right to information is fundamental in encouraging the individual to be a part of the governing process....

7. With this immense power, comes the burden of responsibility. With the huge amount of information that they process, **it is the responsibility of the media to ensure that they are not providing the public with information that is factually wrong, biased or simply unverified information.** The right to freedom of speech is enshrined in Article 19(1)(a) of the Constitution. However, this right is restricted by Article 19(2) in the interest of the sovereignty and integrity of India, security of the State, public order, decency and morality and also Contempt of Courts Act and defamation.

8. The unbridled power of the media can become dangerous if check and balance is not inherent in it. The role of the media is to provide to the readers and the public in general with information and views tested and found as true and correct. This power must be carefully regulated and must reconcile with a person's fundamental right to privacy. Any wrong or biased information that is put forth can potentially damage the otherwise clean and good reputation of the person or institution against whom something

*adverse is reported. Pre-judging the issues and rushing to conclusions must be avoided.”*

39] Thus, the role of the media is to provide the viewers, listeners and readers and the public in general with information and views tested and found as true and correct. This power must be carefully regulated and must reconcile with a person's fundamental right to privacy.

40] It is to be noted in the Universal Declaration of Human Rights, through Article 19, the right to information was considered as;

*“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”*

41] Not only that but also, Article 12 of the Universal Declaration of Human Rights protects the right to privacy as well. It says;

*“No one shall be subjected to arbitrary interference with his privacy, family, home, or correspondence, or to attacks on his honour and reputation”*

42] In ***Sri Lanka Telecom PLC v The Right to Information Commission*** (CA/RTI/0002/2023), this court held that right to receive information is the rule the refusal is the exception.

43] This court is of the view that the requested information specifically, has the information was verified by the editors and news directors and the identities of editors and news directors (item 4 and 5 of the questionnaires of the Appellant-Respondent dated 19/09/2023, which was only allowed by the RTI Commission Order dated 20/06/2024) is neither private nor sensitive and does not violate privacy rights. Since the Petitioner operates under licenses issued via the Sri Lanka Rupavahini Corporation Act and the Sri Lanka Telecommunications Act, it is bound by statutory controls and public interest obligations. Thus, we are of the view that the Petitioner cannot say that the Petitioner is not a private company into a body performing a "public service" or "statutory function" as defined under Section 43 of the RTI Act.

44] In ***Bloomberg LP (Appellant) v ZXC (Respondent)*** [2022] UKSC 5, LORD HAMBLEN AND LORD STEPHENS, in the UK Supreme Court unanimously held that, in general, a person under criminal investigation has, prior to being charged, a reasonable expectation of privacy in respect of information relating to that investigation. Thus, the Petitioner ought not to have published inaccurate defamatory news items in the public domain of air which is liable to be penalised under regulatory laws and viewers have a right to know the source of information is verified.

45] In the European Court of Human Rights in ***Khural and Zeynalov v. Azerbaijan***, ruled on 06/10/2022 (app. no. 55069/11) a case concerned the civil liability of the Khural newspaper for publishing defamatory statements about a well-known high-ranking government official. The Court observed that the Khural newspaper possessed a legal personality as a registered media entity and consequently had its own rights and responsibilities.

46] In that the Court further noted in particular that, although the newspaper could claim to have a public “watchdog” function, reporting on issues of high public interest, it also had a duty to act in good faith in order to provide accurate and reliable information in accordance with the ethics of journalism. The Court found that the newspaper had failed in its “duties and responsibilities” under Article 10 of the Convention.

47] In ***Environmental Foundation v. UDA*** [2009] 1SLR 123, it was held that;

*“Although the right to information is not specifically guaranteed under the Constitution as a fundamental right, the freedom of speech and expression including publication **guaranteed under Article 14(1)(a), to be meaningful and effective should carry within its scope an implicit right of a person to secure relevant information from a public authority in respect of a matter that should be in the public domain.** It should necessarily be so where the public interest in the matter outweighs the confidentiality that attaches to affairs of State and official communications. ... The arbitrary refusal of information required by the Petitioner is an infringement of the Petitioner’s fundamental rights guaranteed by Article 12(1) of the Constitution... The word “persons” as appearing in Article 12(1) should not be restricted to “natural” persons but extended to all entities having legal personality recognized by law”. [Emphasis is attached] Thus, in a broader sense the Petitioner being a legal entity should act with responsibility.*

48] In ***Chamara Sampath vs Neil Iddawala***, CA/RTI/0004/2021, Decided on: 28/02/2023, His Lordship Sampath B Abayakoon held;

*“I am of the view that when interpreting the provisions of the RTI Act, it is in this spirit of the intentions of the legislature, the relevant Act or Acts should be interpreted by the relevant authority and not to take cover in order to avoid providing the information asked for, unless such information can be denied in terms of section 5 of the RTI Act. Even in instances where the RTI Act provides for the denial of access to information, it has been stated that if the public interest in disclosing the information outweighs the harm that would result in its disclosure, such information should be released.”*

49] The Petitioner has the specific statutory duties and high standards of programming mandated for the state-owned Rupavahini Corporation under Section 7 of that Act, that responsibility does extend to private networks such as Private TV Channels.

50] Private media organizations perform a vital public function and must be held accountable for operating in the public interest, rather than solely for profit. Since airwaves are public property that must be used to ensure a plurality of opinions and accurate reporting. We are of the view that disclosing requested information would not infringe upon press freedoms but would instead strengthen the right to information under Article 14A of the Constitution.

51] It is to be borne in mind that Media false information includes disinformation (deliberately deceptive) and misinformation (incorrect information shared regardless of intent), often designed to trigger emotions, generate revenue, or manipulate public opinion. It spreads rapidly via social media and other social forums and the vulnerable victim; may be an individual, cannot resist or combat alone unless court interferes. Thus, for the check and balances, the source of information is verified and the persons who verified must be revealed. Thus, we do not see merits in this application.

52] Accordingly, we affirm the decision of the Right to Information Commission and dismiss this appeal with costs.

JUDGE OF THE COURT OF APPEAL

R. GURUSINGHE J.

I agree

JUDGE OF THE COURT OF APPEAL