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தேசியக் கொள்கைகள் மற்றும் பொருளாதார விவகாரங்கள் அமைச்சு
Ministry of National Policies and Economic Affairs

"මිලෝදා" (පැරණි රයිමිස් ගොඩනැගිල්ල), පළමු මහල, මිලිටරි වීදිය, කොළඹ 01. "මිලෝදා", (පහළ පාලයේ කட்டிடය) 1 වන මාල, බ්‍රිස්ටල් වීදිය, කොළඹ 01. "Miloda" (Old Times Building), 1st Floor, Bristol Street, Colombo 01.

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MNPEA/PLN/GEN/2018

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 திகதி } 18.05.2018
 Date }

Circular No. : MNPEA 04/2018

All Secretaries to Ministries
 Chief Secretaries of Provincial Councils

Disclosure of Information on Development Projects for General Public as a Right of the People

It has been brought to the notice of this Ministry that general public is unaware of the development projects carrying out by the government irrespective of the provisions availed under the provisions of the section 9 of the Right to Information Act No.12 of 2016. It shall be noted that the information relating to development projects either foreign funded or domestically funded through consolidated fund should be adequately communicated to the people benefited specifically and general public with required details.

These details include Total Estimated Project Cost, expected duration of the project, name of the financing agency (GOSL/ Foreign), loan amount, interest rate, project components, expected benefits of the project, implementing agency, executing agency, location of Project Management Unit, name of the contractor and value of the contract etc. Providing and sharing such information with the general public at least three months prior to the commencement will ease the project implementation process, minimize uneasiness of the people to be affected and ensure smooth coordination and cooperation with all relevant stakeholders.

Therefore, it is the responsibility of Secretaries to line Ministries/ Chief Secretaries of Provincial Councils to identify a suitable communication strategy to make the general public aware of the development work to be carried out under each project and/ or project components in different locations and inform all Project Directors that comes under the purview of your Ministry to take action to publicize the project information as per the identified strategy.

The following are some options that can be used to disclose Information relating to the development projects to the general public.

- a) Publish information in the Ministry and/ or Department/ agency web sites in all three languages with adequate attention.
- b) Display billboards at project sites at places visible to the public. When the project is comprised with several components, it is better to display several billboards at places representing each component. Further if a project runs over significant area via district or divisional boundaries, several boards can be displayed with lesser cost.
- c) Discuss the benefits of the project in multimedia
- d) Any other suitable manner with lesser cost to the government, as the Secretary to the line Ministry/ Chief Secretary of the Provincial Council deems fit.

You are also advised to follow the instructions given in the Section 9(1) (b) of the Right to Information Act No 12 of 2016 in this regard. The copies of the RTI page and the guidance on the proactive disclosure drafted by the RTI Commission are also annexed for your easy reference.

Providing more information on development projects to the public will pave the way for better participation and understanding during development process thereby ensure project implementation in a very transparent and accountable manner. Further it will ensure early completion and getting benefits.

Therefore, your cooperation and compliance to the given instructions are very much appreciated.



K.D.S. Ruwanchandra
Secretary

c.c. :

- 1) *Secretary to the President*
- 2) *Secretary to the Prime Minister*
- 3) *Chairman, Right to Information Commission of Sri Lanka*
- 4) *Auditor General*

} *For information
please*

9. (1) (a) It shall be the duty of the Minister, to whom the subject pertaining to any project has been assigned, to communicate, three months prior to the commencement of such project, to the public generally, and to any particular persons who are likely to be affected by such project all information relating to the project that is available with the Minister, as on the date of such communication:

Duty of the Minister to inform public about the initiation of projects.

Provided however, in the event of an urgent project, information shall be provided one week prior to the commencement of such project and reasons for such urgency shall be communicated to the Commission.

(b) The Commission shall issue guidelines specifying the manner in which the communication referred to in paragraph (a) shall be made.

(2) (a) The Minister shall, on a written request made in that behalf by a citizen, make available updated information about a project referred to in subsection (1), throughout the period of its development and implementation.

(b) The information shall be made available on the payment of such fee, as shall be prescribed by the Commission for that purpose.

(3) For the purposes of this section, "project" means any project the value of which exceeds-

- (a) in the case of foreign funded projects, one hundred thousand United States dollars; and
- (b) in the case of locally funded projects, five hundred thousand rupees.

For the avoidance of doubt it is hereby declared that any reference to the Minister shall also include a reference to a Minister of a Provincial Council established under Chapter XVIIIA of the Constitution.

Guidelines issued by the Right to Information Commission in terms of

Section 9(1)(b) of the Right to Information Act No. 12 of 2016

- *Communications under Section 9 of the Right to Information Act No.12 of 2016 is required only in respect of “projects”, the value of which exceeds USD 100,000/- (in case of foreign funded projects) and LKR 500,000/- (in respect of locally funded projects). Accordingly, the terms “proposed project” or “project” hereinafter refer to projects, the value of which exceeds the above thresholds.*
- *The disclosure requirements contained here are in addition to notice and disclosure requirements that are contained in other laws, regulations, and guidelines.*
- *The term “projects” for purposes of Section 9, includes all Capital expenditure or all procurement activities approved by Procurement Committees, but excludes recurrent expenditure.*
- *Please note as a rule that notice of a proposed project as prescribed under Section 9 of the Right to Information Act No. 12 of 2016 shall be given at least three months prior to the commencement of such project. A Minister may provide one week’s notice of such a project only under exceptional circumstances, in the event of an urgent project. However, even in the case of urgent projects, the Minister shall communicate the following to the Right to Information Commission in writing;*
 - a) *The reasons for the urgency to implement the proposed project;*
 - b) *Evidence substantiating the aforesaid reasons must be provided.*
- *Disclose the following information relating to a proposed project to the public generally through the following mediums, and to any particular persons who are likely to be affected by such project.*
 - a) *In a digital electronic format on the Ministry web site in Sinhala and Tamil, and if feasible in English; and,*
 - b) *Additionally, in the case of proposed projects, which are to be implemented at specific locations, billboards must be erected at the project sites at places visible to the public, publishing information as prescribed in Annexure 1 hereto; and,*
 - c) *If the implementation of the project has implications in respect of areas and settlements where internet access is not readily available, information as set out in Annexure 1 hereto must be disseminated to the residents of such areas,*

through Grama Seva Niladharis, Divisional Secretariat and local authorities as far as practicable, and
d) *Through any other manner and medium as the Minister deems fit.*

Notice published under Section 9 of the Right to Information Act No. 12 of 2016 relating to a Proposed Project

Date:.....

Ministry/Department/Institution:.....

Implementing Agency:

A. Details of the Proposed Project

- 1. Description of proposed project;**
- 2. Project Location (indicate the place(s) where project activities take place, in terms of Province, District, Division, location - provide additional description if boundary cannot be clearly demarcated);**
- 3. Proposed date of Commencement of project;**
- 4. Projected date of Conclusion;**

B. Rationale of the Project [If a Management for Development Results (MfDR) framework has been developed for the project, disclose the same]

- 5. Project Objectives/ Goals;**
- 6. Expected Project Outputs/Benefits;**
- 7. The target beneficiaries/stake holders;**
- 8. Is there a likelihood of any citizen being affected by the implementation of the proposed project (for example, acquisition of private property for the project, those whose livelihood may be affected, any other rights of any person being affected)? - Yes / No**

9. If yes, has adequate notice been provided to them and/or have they been consulted in respect of the project? - Yes/ No

10. If no, explain reasons for such omission.

11. Provide details/description of steps being taken to provide compensation/reparations to affected parties, if any, where applicable and details of the institution responsible for processing applications for compensation.

12. Justification (i.e. financial cost benefit, social cost benefit etc.);

C. Project Budget & Financial Information

13. Total estimated cost of Project

14. Agreed Amounts [state in currency payable as well as LKR equivalent]

15. Source of finance (Foreign/ Local/Other - for example Public Private Partnership) - Identify the foreign or local entities/institutions involved in financing the project.

16. If the proposed project is to be implemented on the basis of a Public Private Partnerships, provide the main terms and conditions of agreement between the Government and the private sector party, including details of equity and profit share bases, financial information such as fees, tolls, or other kinds of revenue that may be collected by private sector parties under authorization from the Government.

17. List all additional benefits/concessions, if any, offered to the contractor or private parties at the cost/expense of the State/Government of Sri Lanka in the implementation of the proposed project. For example, tax holidays, tax concessions, sale/lease of land at concessionary rates/prices etc.

D. Necessary Clearances

18. State the date when approval for the proposed project was received from Department of National Planning/Economic Development Committee/ the

Cabinet/BOI/Provincial Council/Local Council/Relevant Authority, as relevant.

19. Where applicable have the following been carried out;

- a) Bid evaluations? Yes / No
- b) Feasibility studies? Yes / No
- c) Technical evaluations? Yes / No
- d) Financial evaluations? Yes / No

Provide dates of above reports, in particular in respect of procurement committee reports, bid evaluations committee reports, technical evaluation committee reports, if any;

20. Describe the Environmental Impacts on physical, biological, socio-cultural or aesthetic status, if any?

21. Has an environmental impact assessment been carried out, where relevant?
 Yes / No

22. If yes, provide details of the institution/entity that carried out the environmental impact assessment and date(s) of report(s).

23. If no, provide reasons for the omission.

24. Have approvals from relevant regulatory agencies been obtained, where applicable? - Yes / No

25. If yes, from which agencies and dates of such approval.

26. What approvals are pending?

E. Supplier/Vendor/ Contractor

27. Was the project solicited or unsolicited?

28. If unsolicited, please provide details of the project proponent, project proposal, date when such proposal was made;

29. If funding for unsolicited projects are externally sourced;

29.1 Name of the funder ?

29.2 Conditions of financing ?

30. Provide details of the supplier/vendor/contractor who will implement the project;

31. Was the contract awarded?

32. If yes, date of execution of contract?

33. If not, proposed date of execution of contract?

34. State the number of bidders as well as the relevant names/contact details of those who submitted bids for the project.

35. With regard to all of the above, please indicate if there is any complaints handling mechanism conforming to accepted standards of fairness and transparency which is accessible to the public.

**Any further inquiries and clarifications may be directed to.....
..... (designation of officer in charge of providing information
on the project to the public); Telephone/ E-Mail.....**

Annexure 1

Information to be published on Billboards at the project site

Date:.....

Ministry/Department/Institution:.....

Implementing Agency:.....

- Description of proposed project;
- Project Location (indicate the place(s) where project activities take place, in terms of Province, District, Division, Location - provide additional description if boundary cannot be clearly demarcated);
- Proposed date of Commencement of project;
- Projected date of Conclusion;
- Project Objectives/ Goals;
- Expected Project Outputs/Benefits;
- Provide details/description of steps being taken to provide compensation/reparations to affected parties, if any, where applicable and details of the institution responsible for processing applications for compensation.
- Total estimated cost of Project
- Agreed Amounts[state in currency payable as well as LKR equivalent]
- Source of finance (Foreign/ Local/Other - for example Public Private Partnership) - Identify the foreign or local entities/institutions involved in financing the project.
- Provide details of the supplier/vendor/contractor who will implement the project.

Any further inquiries and clarifications may be directed to.....
..... (designation of officer in charge of providing information on the project to the public); Telephone/ E-Mail.....