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## **Avinash Kumar**



*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.*

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# **RIGHT TO INFORMATION ACT AND** **THE ROLE OF MEDIA.**

AUTHORED BY - RADHA VASANT SHELKE

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## **Introduction**

The right to information is a fundamental right under Article 19 (1) of the Indian Constitution. In 1976, in the *Raj Narnia vs the State of Uttar Pradesh* case, the Supreme Court ruled that Right to information will be treated as a fundamental right under article 19. The Supreme Court held that in Indian democracy, people are the masters and they have the right to know about the working of the government.

Thus, the government enacted the Right to Information act in 2005 which provides machinery for exercising this fundamental right.

## **The Right to Information Act of 2005**

The act is one of the most important acts which empowers ordinary citizens to question the government and its working. This has been widely used by citizens and media to uncover corruption, progress in government work, expenses-related information, etc.

The primary goal of the Right to Information Act is to empower citizens, promote openness and accountability in government operations, combat corruption, and make our democracy truly function for the people. It goes without saying that an informed citizen is better equipped to keep a required track on governance instruments and hold the government responsible to the governed. The Act is a significant step in informing citizens about the activities of the government.

All constitutional authorities, agencies, owned and controlled, also those organizations which are substantially financed by the government comes under the purview of the act. The act also mandates

public authorities of union government or state government, to provide timely response to the citizens' request for information.<sup>1</sup>

The act also imposes penalties if the authorities delay in responding to the citizen in the stipulated time.

## **Information is regarded as the oxygen of democracy.**

It invigorates where it percolates. If people do not know what is happening in their society, if the actions of those who rule them are hidden, then they cannot take a meaningful part in the affairs of the society. Freedom of expression, free dissemination of ideas and access to information are vital to the functioning of a democratic government. Information is crucial for a vibrant democracy and good governance as it reflects and captures Government activities and processes. Access to information not only facilitates active participation of the people in the democratic governance process, but also promotes openness, transparency and accountability in administration. 'Right to Information' (RTI), the right of every citizen to access information held by or under the control of public authorities, can thus be an effective tool for ushering in good governance. The major characteristics of good governance are participation, rule of law, transparency, responsiveness, equity and inclusiveness, effectiveness, efficiency, accountability, strategic vision and consensus-orientation. Transparency means that decisions are taken openly and enforced as per rules and regulations. It requires that information is freely available and directly accessible to those who will be affected by such decisions and their enforcement. It also means that enough information is provided to all the stakeholders in easily understandable forms and media to enable their meaningful participation in decision making processes. Accountability means that public institutions and functionaries are answerable to the people and to their institutional stakeholders. In general, an organization or an institution should be accountable to those who will be affected by its decisions or actions. Accountability cannot be enforced without a regime of transparency.

A direct relationship exists between right to Information, informed citizenry and good governance. The Right to Information provides citizens the opportunity of being informed of what the Government

does for them, why and how it does it. Good governance provides a platform that enables government functionaries to operate efficiently, effectively and transparently and be accountable to the public for their actions. It aims to put an end to inconsistent government practices and helps in establishing a responsive State. Public participation in Government, respect for the rule of law, freedom of expression and association, transparency and accountability, legitimacy of Government, and the like, which are the core values of good governance, can be realized only if the right to information is implemented in the right spirit. Right to information is the hallmark of good governance.<sup>2</sup>

## Media and Development

The media can make a real difference to the lives of poor and disadvantaged people by:

- making people more aware of their rights and entitlements;
- enabling people to have access to government programmes, schemes and benefits;
- making people more aware of political issues and options and helping to stimulate debate;
- educating the public on social, economic and environmental issues;
- drawing attention to institutional failings – corruption, fraud, waste, inefficiency, cronyism, nepotism, abuse of power and the like;
- fostering exchange of best practices, knowledge resources, access to better technology, and to better choices;
- creating pressure for improved government performance, accountability and quality, for example in service delivery; and
- providing a discursive space for citizens to dialogue with other actors in the governance process.

The three main areas through which the media can make a significant impact on development and poverty reduction are:

### 1) Empowerment

Media has a definite role to play in the empowerment of citizens. It gives voice to the needs and aspirations of the people and provides them access to relevant information. When people lack a voice in the public arena, or access to information on issues that affect their lives, and if their concerns are not reasonably reflected in the public domain, their capacity to participate in democratic processes is

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<sup>2</sup> <http://www.education.nic.in/>

undermined.

Media, in all its varied forms, has opened up the potential for new forms of participation. The access to information and accessibility of information has increased with growth of print and electronic media and the Internet. Thus, the vulnerable and marginalized sections of the society such as the poor, women, weaker sections and socially disadvantaged are also using the media to make their voices heard.<sup>3</sup>

## **2) Social Awareness & Action**

The potential of mass media to be effectively employed to enhance social awareness is unquestionable. The media can be effective in not only preserving freedom but also extending it. The news media plays a decisive role in establishing a discursive space for public deliberations over social issues. The formative influence of the media on public attitudes, thoughts and perceptions is fundamental to the process of citizen engagement in public dialogue. Giving a voice to the poor also entails giving the poor people adequate opportunities to take initiatives for overcoming their problems. The media, through its role in shaping public awareness and action, can be a critical factor in facilitating sustainable development and poverty reduction.

## **3) Good Governance**

Good governance is recognized as central to poverty eradication, and a free media is a necessary condition for good governance. As an information conduit between corporations, government, and the populace, the media acts as a watchdog against government malfeasance, while at the same time fostering greater transparency and accountability. The media monitors public service delivery and reports on key issues to the public at large, and in this process exerts pressure on public service providers. By highlighting institutional failings to guard against and institutional successes for replication, the media creates the right framework of incentives for good governance.

A free press is integral to good governance. It lets people voice diverse opinions on governance and reform, expose corruption and malpractices and help build public consensus to bring about change. It monitors basic public service delivery and promotes human development.

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<sup>3</sup> Media Ethics - By Barrie MacDonald and Michel Petheram

RTI Cell, ATI, Kohima. 3 Last but not the least, it educates the public and builds public awareness on key socio-economic issues.

The World Association of Newspapers (WAN), the global organization of the world's press has long argued that a free and unfettered press is a positive force for accelerated and equitable socio-economic development. It held that the predominance of free and independent press accompanies economic growth and human development. In countries with free press, human development indicators such as school enrollment, teacher-pupil ratio, pupil performance, infant mortality, maternal mortality, nutritional status of women and children etc. tend to fare better than countries with restrictions on press and freedom of information.<sup>4</sup>

The work of the Nobel Laureate, Amartya Sen has even established a link between active media and the avoidance of disasters like famines. The role of media as a watchdog of the government and the corporate sector, a transmitter of new ideas and information, a voice of the poor, a safeguard against the abuse of power and neglect of the socially vulnerable, and a builder of public consensus to bring about change is pervasive. As experience has shown, the independence of the media can be fragile and easily compromised. It is clear that to support development the media needs the right environment - in terms of freedoms, capacities, and checks and balances. The Right to Information regime does give the media that critical support.

## **Right to Information and Role of Media**

Article 19 of the Universal Declaration of Human Rights adopted by the United Nations states: "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." The short section on media in the Plan of Action (C.9) states that "The media have an essential role in the development of the Information Society and are recognized as an important contributor to freedom of expression and plurality of information."

In fact, mass media is the most important vehicle for information, knowledge and communication in

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<sup>4</sup> www.becil.com – Broadcast Engineering Consultant India Ltd

a democratic polity:

- a) They are pervasive and play a significant role in shaping societies; they provide the public sphere of information and debate that enables social and cultural discourse, participation and accountability.
- b) They are the most accessible, cost-effective and widespread source of information and platform for expression. Information is power. The media can play a crucial role in building an inclusive Information Society based on knowledge power and its distribution. For media to fulfill its potential, actions are required in three key areas:
  1. To protect and extend media freedom and independence, and rights of access to information;
  2. To actively develop the potential of media to provide information, a forum for debate on topics of public interest, cultural expression and opportunity to communicate, especially to the poor and marginalized;
  3. To strengthen the capacity of media to promote and help build an Information Society – raising awareness, channeling civil society concerns, debating policies and holding government, private sector and civil society accountable.<sup>5</sup>

Traditional systems of information access in India have made journalists dependent on sources they must cultivate. Whether bureaucrats or politicians, much depends on the privilege and patronage of the individual source. Such relationships of patronage not only make journalists depend on very feudal relationships, it often makes them use the information regardless of its veracity.

An RTI regime can enable credible, evidence-based and factual reporting on key issues of public interest. It can enable the media to expose mal-administration, corruption and inefficiency and to propagate stories and instances relating to accountability, transparency, effective administration and good governance. By using the RTI Act, the media can play an important role in highlighting issues

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<sup>5</sup> S. Rangrajan v. P Jagajevan Raj (1989)

related to public service delivery and the efficacy and accountability of public officials. Under the RTI Act, the journalists & reporters, like citizens, can:

- Demand from the Government information pertaining to any of its departments
- Demand photocopies of Government contracts, payment, estimates, measurements of engineering work's etc.
- Demand from the Government certified samples of material used in the construction of roads, drains, buildings etc.
- Demand to inspect any public development work that may be still under construction or completed
- Demand to inspect Government documents - construction drawings, records books, registers, quality control reports etc.
- Demand status of requests or complaints, details of time delays, action taken on Information Commission's decisions etc.

The media can play a constructive role in the governance process by: -

• **Catalyzing Effective Implementation of the Act:**

As the 'fourth pillar of democracy', the media not only has an important stake in what the RTI Act purports to provide and achieve, but also in catalyzing and entrenching the implementation and enforcement of this significant piece of legislation.

• **Providing Information to the Citizens and Building Awareness on the Act:**

Despite the provisions that have been made to access information, citizens resort to media like newspapers, radio, television etc. for day to day information about public authorities and their activities. The media provides a link between the citizens and their government. The media's right to information or right to tell is not a special privilege but rather, an aspect of the public's right to know. The media should fulfill this obligation.<sup>6</sup>

**Giving Voice to the Citizens:**

As part of the civil society, the media has an obligation to articulate the needs and aspirations of the people. Using the Act, the media can highlight key issues faced by the citizens, particularly those faced by the poor and voiceless.

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<sup>6</sup> The cinematograph act 1952

• **Acting as a Watchdog on behalf of the Citizens:**

The best service that the media can provide to the public, whether in a mature or emerging democracy, is that of a community watchdog. Journalists should see and perform their role keeping in mind public interest. Using RTI, the media can expose corruption and inefficiency. However, in performing a watchdog role and digging out the truth, journalists should be careful in interpreting facts and evidence.

It is important that the media plays the role of an honest broker of information for its readers without deliberate bias or favoritism. The media must consider its independence to be its most valuable commercial, editorial and moral asset.

Maintaining its independence through professional behavior and a code of conduct that is subscribed to by all journalists, the media can be a powerful user of the RTI Act and an agent for the empowerment of people through an Information Society. The objective of the Act to usher in a practical regime of right to information cannot be attained without a proactive role played by the media.

## **Media Role: Monitor Implementation of the Act.**

### **Appropriate Government**

- Have appropriate rules been framed? Are they in conformance with the spirit of the Act?
- Is there a centralized monitoring mechanism? What systems have been put in place to monitor the implementation of the Act?
- What efforts have been made to sensitize and train government servants and elected representatives?
- What public education and mass awareness activities have been undertaken?
- Has the government developed and published user guides for citizens on the RTI Act?
- What actions have been undertaken to ensure compliance with the Act and Rules by public authorities?<sup>7</sup>

### **Reporting Social Audit**

RTI is the single most significant law which enhances the scope of social audit of public

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<sup>7</sup> Santosh sing v. Dehli administration (1973)

policies and programmers to hold public officials socially accountable. The Act secures for every citizen the enforceable right to know, examine, audit, review and assess Government activities and decisions and also ensure that these are consistent with the principles of public interest, probity and justice.

By securing access to relevant information and knowledge, the citizens would be able to assess Government performance and participate in and influence the process of policy formulation and programmed implementation, particularly on issues relating to public service delivery. Using the RTI Act, the civil society including the media can facilitate social audit of Government processes, activities, programmers, schemes etc., and help improve public service delivery and the efficacy and accountability of public officials.

They can use the RTI Act to inspect various processes, programmers and schemes of any public authority. They can even examine the works undertaken by any Government Department at any stage and draw samples of materials that are in use. They can also collect and verify records, documents and samples of particular works undertaken by the Government. The media can play a key role in publicizing the results of social audit. Social audit of the implementation of the National Rural Employment Guarantee Act, 2005 is legally mandated (Section 17).

The RTI Act can be used as an effective tool for undertaking social audit of the implementation of the NREGA. In this context, civil society organizations including the media, can inspect mandatory records that are maintained by the Gram Panchayats and seek information and explanation from the concerned. They can verify the following facts:

## **Conclusion**

- The Right to Information Act has not achieved its full objectives due to some impediments created due to systematic failures. It was made to achieve social justice, transparency and to make an accountable government.
- This law provides us with a priceless opportunity to redesign the processes of governance, particularly at the grassroots level where the citizens' interface is maximum.

- It is well recognized that the right to information is necessary, but not sufficient, to improve governance. A lot more needs to be done to usher in accountability in governance, including protection of whistleblowers, decentralization of power and fusion of authority with accountability at all levels.
- As observed by Delhi High Court that misuse of the RTI Act has to be appropriately dealt with; otherwise the public would lose faith and confidence in this “sunshine Act”<sup>8</sup>

