CHAPTER 2

LITERATURE REVIEW

2.1 INTRODUCTION

Literature refers to original texts and inferences analyzed, interpreted and noted down by the researcher through the information acquired from primary sources. Literature reviews are texts on papers in the pertaining field, that have already been published by other researchers. While literature is written with no reference, but solely on ones findings alone, the literature review is written after scrutiny of various published works/papers in the relevant field and is derived from a secondary source. This chapter provides related searches from various articles/ books and opinions of experts who have already made vital contributions to the subject. This chapter is further divided into the following segments:

- Right to Information (RTI) Act
- Media and Right to Information Act
- RTI and social change

2.1.1 Right to Information (RTI) Act

2.1.1.1 Emergence of Information Act

Mustonen (2006) in “The World’s First Freedom of Information Act” stated that in the global scenario, the first ever right to access to
information came as an act of the legislature in the year 1766. There were two political rival parties in Sweden and they are called ‘The Hats’ and ‘the Caps’. Both these parties were active from the age of liberty (1719–1772). The ‘Caps’ opened out most of the government records and made them accessible to the people, after they came to power. Today, in Sweden, hardly a few hundred files are treated as inaccessible files in the Swedish Prime Minister’s office.

Hence Sweden was the first country to enact Freedom of Information Act. Kasuya (2012) in “Democracy and Transparency: Enacting the Freedom of Information Acts around the World?” revealed that the Swedish example was later followed by the US in 1966, and then by Norway in 1970. The interest in Freedom of Information laws took a leap forward when the US, reeling under the 1974 Watergate scandal, passed a strong Freedom of Information Law in 1976. This example was followed by several western democracies viz., France, Netherlands, Australia, New Zealand, Canada, Denmark, Greece, Austria and Italy. By 1990, the number of countries with Freedom of Information Laws rose to 13. By 2010, more than 85 countries had national-level RTI laws or regulations in force, including major developing countries like India and China.

2.1.1.2 Information Act in India

Baets (2009) in his article “The Impact of the Universal Declaration of Human Rights on the Study of history” stated that the idea for the right to information took shape when Article 19 of the Universal Declaration of Human Rights was adopted by the United Nations in 1948. The Article ensured that “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 International Covenant on Civil and Political rights 1966 says that “Everyone shall have the right to freedom of expression, the freedom to seek and impart information and ideas of all kind, regardless of frontiers”. Ash (2005) in her article on “U.S. Reservations to the International Covenant on Civil and Political Rights: Credibility Maximization and Global Influence” was on the opinion that the public access to information held by the Indian Government was not allowed till 2005. Without the information being available, general public could not take part in any activities or appeal to the authority in case of any grievances. Since people were kept in the dark, corruption started to raise its ugly head. Further, there was no knowledge as to how government policies or activities could be improved. Since people were kept in the dark about all of these happenings, they felt left out or alienated. It was found that greater access to information enhanced the responsiveness of the government to community needs. When public grievances are taken into account, it improves the feeling of goodwill towards the government. Under such circumstances, public and various NGOs demanded greater access to the information held by public authorities. Eventually, the Indian Government approved their demand by enacting the RTI Act, 2005.

Tiwari (2010) in his article “Right To Information: An Important Tool Of Social Development, Good Governance and Strong Democracy” found that the Right to Information Act 2005, which came fully into effect on 12th October 2005 was one of the most significant legislations enacted by the Parliament of India. The Act enabled establishment of an unprecedented regime of right to information for the citizens of the country.

RTI is a major legislative step in the Indian anti-corruption movement. This law, enacted in October 2005, effectively reverses the Official Secrets Act by forcing public authorities to regularly report information about their dealings and also to provide specific information, at
any time, as requested by citizens. Humphreys (2010) in his article - “The Current State of India's Anti-Corruption Reform: The RTI and PCA” says that the procedure of the RTI begins when an Indian citizen makes a request to a Public Information Officer (PIO) for access to information. A citizen need not give any reason for the inquiry. The citizen’s request triggers the start of a thirty-day time period in which a PIO must respond to the request. The Act penalizes officers who delay the procurement of information or default on their obligation to provide information not falling under any of the exceptions prescribed by the Act.

Bhattarai (2011) in his conference paper titled “Anti-Corruption Campaign through RTI” has similar perception that the right to information law can play an important role in enhancing the state’s effectiveness, credibility and legitimacy by adequately listening and responding to people's concerns and grievances. All quarters of the society such as citizenry, the media, private sector and the civil society can fight petty and grand corruption with this simple tool. All it takes is a little bit of courage and motivation to witness the power of real democracy. RTI on the other hand which was established to promote transparency and accountability also suffers from certain loopholes. Public awareness in India is very low. Also people face difficulties while filling the application form and paying the fees due to an inconvenient channel of payment. Lack of monitoring and review mechanism makes the record keeping system ineffective and obsolete. The un-trained PIOs add to the misery by not communicating properly with the applicant.

The research agency, Price water coopers (PWC) (2009) in their research for the RTI assessment on the topic “Final Understanding the Key Issues and Constraints in implementing the RTI Act”, said that the Indian citizens seem to be at a disadvantage as they lack political clout and confidence in their own knowledge of the legal system which further creates a
rift between access to power and authority. Also lack of legal protection to the whistleblowers further reduces the chance of active participation of people possessing such vital information. Unfortunately no major scams have been uncovered by private citizens under RTI since 2005 which further raises questions on its implementation of exercise by the citizens.

In addressing the above inference, Rajan (2009) in his article, “Information Rights: A jurisprudential Audit” opines that a government of secrecy would injure the people they seek to serve. They would damage their own integrity and operation. They tend to spread distrust, dampen the fervor of the citizens and mock their loyalty. Information rights form a tactical subset of human rights.

Bringing to notice some of the effects of the RTI, Jain (2009) in his article “Right to Information-challenge or opportunity”, remarked that the litmus test of advancement of a nation was what, when and how much information about various governance related issues, had a direct or indirect bearing on the lives of the citizens. It was actually shared with them; and the enactment of RTI Act 2005 had been hailed as one of the most significant, useful, path breaking administrative reforms in the post-independence era of public administration in the country. Thereby he said, India joined a select league of nations who had passed this kind of ‘modern’ legislation.

In a more philosophical angle, Agrawal (2009) in his article “The Official Secrets Act to Right to Information Act: dawn of ‘glasnost’” explained that due to this Act, light is being thrown on some matters which were treated as confidential in the past. For example, the members of the judiciary had, because of the RTI Act, agreed to disclose their financial assets for general information.
Dey et al (2007) in their article “The Right to Transparent Governance” discussed that from the beginning of National Rural Employment Guarantee Act (NREGA) campaign, the right to information and right to work were seen not just as means of fighting corruption or unemployment, but also as complementary steps towards people's empowerment and participatory democracy. They also added that the active use of RTI was also seen as an essential condition for the success of NREGA, since corruption was one of the chief enemies of effective public works programme and has been constantly invoked as arguments against NREGA.

As far as administration is concerned, Kasyap (2009) in his article “Right to Information” remarked that the appointment of retired bureaucrats in information commission could not be justified, as it went against the expressed provision of the Act. It might also give the impression that all those who were responsible for the administrative culture of secrecy were trying to ensure transparency. According to his study, 58 percent of the information commissioners were from administrative and governance sector. Out of 60 information commissioners, 27 were retired IAS officers.

Each individual in each commission has his/her duties spelt out. Presenting his views about this, Kumar (2006) in “Right to Know: A hands-on guide to Right to Information Act”, outlined the purpose and scope of Right to Information Act (RTI), role of information officers, appeals and educational and training programmes. He said that the Right to Information Act was a very powerful tool to bring openness and transparency in the era of accountability. It empowered the citizens to seek information and pose questions to government organizations, as was done by elected representatives in the legislature. Any information which could not be denied to Parliament/State legislature could not be denied to any citizen under this Act. He added
that, in turn, it would exert both internal and external pressure to improve the work culture of the government.

Goel (2007) in his article, “Right to Information and Administrative Reforms”, stated that the right to information would provide open surgery to administration and make more efforts to improve the health of the administrative system. If the implementation was in right earnest, the RTI Act would optimize the use of resources. He added that RTI and administrative reforms were two sides of the same coin.

Access to information is quite an important subject. What is accessible and what is not? A project work by Society for Participatory Research in Asia (2008) on “Accessing Information under RTI: Citizens’ Experiences in Ten States” analyses the implementation of RTI in ten selected districts of ten selected states and finds out the difficulties faced by information seekers and information facilitating level of state information commissions. “The study shows that 40 percent of the respondents do not get information within the stipulated time of thirty days. Non compliance of the orders of State Information Commission (SIC) by Public Authorities is a cause of serious concern. Poor disposal rates of appeals and complaints in the State Information Commission (SIC) of Bihar, Gujarat, Jharkhand, Kerala, Madhya Pradesh and Orissa are a cause of concern”.

Thus the RTI law has ensured a legal guarantee for every citizen to question government activities, inspect its files, documents, records of any past or current development projects or programs. Their supervision, inspection, access and in-sight in to government activities can enhance transparency and accountability preventing corruption or fraud from taking place. Bhattarai (2011) in his conference paper on “Anti-Corruption Campaign through RTI”, explains that the strength of the RTI law lies in its legal guarantee of access to information at all levels of the government and
protection of the whistle blowers from possible reprisals. The right to information has power to transform societies radically. RTI promises free access to information form development sector to service sector which enhances greater transparency. The benefits of the Act are the rise in transparency and accountability, right to be informed and aware, encourage people to participate in decision making process, building trust among people and State, and limited opportunities to indulge in corruption. Article 2 of the RTI Act covers political parties and NGOs as public bodies: Political corruption and NGO sector corruption can also be dealt with by the law, corruption within judiciary and anti-corruption agencies can be exposed by filing RTI applications.

According to the article on “Democratic Need of Right to Information Act in India” by Kundu (2010), the right of access to information is a fundamental human right crucial to the development of a democratic society. As on 1st January 2006, 68 countries around the world had adopted access to information laws (up from only 12 countries which had such laws in 1990). Open society is a foundation that works on several programmes, they use law to protect and empower people around the world. The Open Society Justice Initiative works to secure legal remedies for bribery, the theft of public assets and money laundering arising from the exploitation of natural resources. The initiative by this open society works with partner organizations to promote implementation of these laws and to press for adoption of robust laws that entrenched the Right to Know. To assist these efforts, the Justice Initiative has developed three principles such as consultation with the other partners, consultation based on international law and standards and comparative law and practice in 68 countries. These principles represent evolving international standards on how governments should respect the ‘Right to Know’ in law and practice.
2.1.1.3 Need for RTI Act

The Right to Information Act allows the government to reach out to its citizens by providing them with the opportunity to know the policies and plans of the government as also the reasons and mechanism for their execution. The report by Second Administration Reforms Commission (2006) on “Right to Information - Master Key to Good Governance” says that only with good governance comes the aim to provide a platform that enables government functionaries to operate efficiently, effectively and transparently and be directly accountable to the public for their actions. It aims to put an end to any inconsistencies in making decisions and is quite thorough in establishing a State that is both responsive and responsible towards its citizens. Public participation in issues that affect the citizen, transparency and accountability, legitimacy of government, and so on, which are the values of good governance, can be realized only if the right to information is implemented effectively in the right manner. Ease of access as well as right to information to common citizen forms the basic premise for the establishment of proper governance. Its absence may hurt an individual but the subsequent loss may hurt the whole society.

An easy availability of information is necessary for any and every democratic country. But the access to information held by a public authority was not possible until 2005. Before the enactment of RTI, common people did not have any right to know about the expenditure of public money by the government bodies. The common people contribute to the majority of funding in the form of taxes and other fees and they elect the representatives for holding power and to form policies. But these common men were denied the access to relevant information before the enactment of RTI (Gupta & Saini 2009).
Jana (2010) in her article “Limitations of the Right to Information Act, 2005” opined that although ‘Information’ in the RTI Act refers primarily to information held by public authorities, strong arguments can be made to extend the scope to certain kinds of information held by private parties as well. The right to information would then become a right to seek and receive information from public authorities, as well as a right to access certain kinds of information from private actors.

Dalal (2006) in his article “The expanding horizons of Right to Information” states that the right to information derives from the democratic framework established by the Constitution and rests on the basic premise that since the government is for the people, it should be open and accountable and should have nothing to conceal from the people it purports to represent.

Mendel (2010) in “The Right to Information: A Human Right”, said that right to information should be treated as a basic human right. From the educated or uneducated, whether living in an urban area or a village, irrespective of gender, caste or creed, everyone has the right to know how the government he or she voted to power is performing.

Shilpa (2013) in her article “Right to Information Act: A Tool to Strengthen Good Governance and Tackling Corruption” opines that the lack of access to information on government policies, programmes, schemes, benefits and deliveries allows corrupt practices thrive. When corruption siphons off it is usually the poor who suffer the most. Freedom of information can be a potent tool to prevent and fight corruption.

Some of the key issues and constraints raised by the report “National subcommittee of Central Information Commission (2008) on “Implementation of Right to Information Act, 2005” revealed that by improving free flow of information there could be effective implementation of the Right to
Information Act 2005. The successful implementation depends on the fundamental shifts such as adopting the culture of openness rather than secrecy, accountability rather than uptight governance or despotism and participatory governance rather than unilateral decision-making.

It was observed that the free flow of information had been hampered by issues arising out of certain ambiguities in the rules framed by the appropriate governments and Competent Authorities. A research report by Price Water Coopers (2009), “Understanding the ‘Key Issues and Constraints’” in implementing the RTI Act says that organizational issues pertaining to departments and public authorities such as appointment of Public Information Officer (PIO)s/Assistant Public Information Officer (APIO)s, poor quality of compliance with key provisions of the RTI Act, limited training intervention, processes and mechanisms pertaining to disclosure of information that is not standardized or not complied with by PIOs and APIOs, the poor quality of proactive disclosure and limited dissemination efforts are major constraints. Low awareness of the RTI, and lack of reasonable usage of the Act, vary from State to State and are quite low in most of the states in India. Studies show that efforts aimed at generating public awareness have been mostly demand led. The role and functioning of State Information Commissions have been hampered by lack of financial and manpower resources. In addition, the performance of State Information Commissions in terms of disposal of appeals and complaints, and quality of decision-making varies substantially from State to State. The use of information technology has been limited to a few states. Most of the Commissions are not updated with the latest versions of information and communication equipment, and this has hindered quick disposal, monitoring and information sharing.
While RTI critics will admit that the Act is a huge step toward greater transparency and accountability in India, the Act has been criticized on several grounds. Humphreys (2010) in “The Current State of India's Anti-Corruption Reform: The RTI and PCA” stated that the Act only provides private citizens with the right to obtain information; but the law will not produce enough results to promote a change in the political culture. Critics suggest that corruption scandals will remain rampant because the average citizen lacks the time and resources to uncover corruption, though RTI has given him the power to do so. Public authorities know and exploit the fact that individual citizens have less power. The argument is that Indian citizens lack political clout and confidence in their own knowledge of the legal system and this inadequacy creates a rift of power and authority. The citizen is thus pushed to a point of disadvantage. However, advocates of the RTI point to the fact that NGOs can obtain information through citizens and use that information against public officials. If NGOs can use public citizens as a conduit to obtain information on suspected corruption, the purpose of the Act will be fulfilled.

In tune with Humphreys’ views on publicising the RTI Act, a report on “Tracking Right to Information in Eight States-2007” was published. This report was published by Society of Participatory Research in Asia (PRIA) (2007). The report revealed that the RTI was enacted in order to expose corruption. The intent of the legislators was not that all corruption issues would be solved by private citizen inquiries, but that with a culture of transparency and accountability, the risks associated with corrupt practices would become so great that corruption would not occur. The debate is whether the RTI Act could fulfill its promise, given that the private citizen is at a disadvantage to the public official in both knowledge of the system and access to power.
A discussion paper by Mishra (2003) titled “People’s Right to Information Movement: Lessons from Rajasthan” stated that even if the RTI would otherwise scare politicians with the threat of the democratic process (i.e. citizens getting involved and promoting change); critics argue that overly-broad exemptions to the RTI render the Act ineffective in many instances. Critics point to several exemptions written in a vague language provides public authorities a shield from the RTI provisions and gives room to liberal interpretations. Some overly-vague exemptions include: section 8(1)(h) (provides an exemption for information that would impede the process or investigation of offenders), section 8(1)(j) (provides an exemption for “information relating to personal information), and section 7(9): (provides an exemption for would contributing to the information diversion of resources of the public authority).

Nayak (2010) in “Whistleblower Bill in India - A case of the right hand not knowing what the left hand has done” said that one of the major criticisms of the RTI Act is that the Act lacks a clause protecting whistleblowers from retaliation by the powerful institutions. India does not have a statute protecting whistleblowers in any capacity, and critics believe that this provides a major disincentive for those with important information about corruption to come forward. Nayak argues that the potential whistleblowers should feel safe and they should be statutorily protected.

Prabhu (2013) in his article “Security through anonymity: Protective mechanism for RTI activists” argues that, in a democratic society, the goal should be to make the act of whistle-blowing the responsibility of all citizens. However, these duties cannot be expected of average citizens when the state is not offering practical legal protection to those citizens. Since the RTI enables individual citizen’s fight against powerful companies and political institutions, critics suggest that amending the statute to protect
whistleblowers from harmful retaliation would encourage inquiries under the Act and ensure the Act’s success against corruption.

Madhav (2006) in his report submitted to the Center for Good Governance titled “Decisions for the Common Person” asserts that transparency officers should be appointed within 30 days of enactment of the Act: The Central Information Commission has directed all public authorities to appoint the senior officials as transparency officers within 30 days. These officers would act as an interface between the people of the Commission and public authorities. They shall be very senior officials other than public information officers and appellate authorities, who are designated for replying to RTI applications and listening to appeals against the replies. They are to be senior officials of the department who will act as an interface between the Commission and the public authorities on the one hand and the public authorities and the general public on the other hand.

Appointing transparency officers alone will not promote RTI in India. A report by RAAG & NCPRI (2009) on “Safeguarding the Right to Information” says that it is necessary not to reject RTI application without prescribed fees. The government has asked all the ministries and departments not to reject the RTI applications which are without the prescribed application fee of Rs 10. All Central government ministries have been asked by the Department of Personnel Training to treat such applications as “sympathetic” applications. The officials have been asked to take a sympathetic view. However, a final decision by the Public Information Officer concerned will be binding. The government has also asked all the departments to use the RTI logo to make the concept popular.

Wadia (2006) opined that the right to information has definitely resulted in greater transparency in governance. All the levels of the government – The Centre, States and local bodies, including village level
panchayats- have put their records in public domain, through print media and Internet in the regional languages.

Mishra (2009) in “Right to Information and Rural Development in India” found that there is immense fear among common public, of physical retaliation in invoking RTI against powerful people. This can, therefore, be done only by strong NGOs with an established reputation and wide mass support or politicians with countervailing muscle power, and not by ordinary citizens - however patriotic and public-minded they might be. An ordinary citizen cannot just muster the courage to walk into a police station and demand factual information on the detents, duration of custody, prescribed documentation, etc. There are numerous cases of torture and harassment against those seeking to invoke RTI. This ruins the spirit of RTI.

The fate of any law depends on the quality of those in charge of its implementation, the sociopolitical culture of the system, vigilance level and the participation level of the citizens. A look at the RTI applications filed makes it evident that over 75% applications have been filed by men. People in power or in system have used it more. Similarly people living in metros have taken recourse to RTI more. Majority of RTI applications are for personal reasons or advantages, many of them pertain to service matters. Most of the applications are by the same people which implies that the same set of people make use of the RTI again and again (Abhay 2007).

Chandra (2007) said that there is better response from authorities when innocuous information is sought. But when information meant to expose some scam is sought, information is difficult and those in power collude to torture the information seeker. But it cannot be denied that the RTI has given a boost to the freedom of speech and expression. RTI’s role in corruption reduction is impacting although in poverty alleviation it has not been felt as yet. It should be remembered that public bodies hold information
not for them, but as custodians of the public good and everyone has a right to access this information, subject only to clearly well-defined rules established by law. In a government of responsibility like ours, where all the agents of the public must be responsible for their conduct, there can be but few secrets. The people of this country have a right to know every public act, everything that is done in a public way, by their public functionaries. They are entitled to know the particulars of every public transaction in all its bearing. It is difficult to hypothesize about a real democracy without good governance, transparency and responsibility. Right to information has made all these possible. It has brought the common citizen into a new democratic role where he can directly question the administration.

With many positive aspects in enacting RTI in India there are also a few legal limitations. The Atomic Energy Act, 1912 provides that it shall be an offence to disclose information restricted by the Central Government. Similarly the Central Civil Services Act, 1965 ensures that a government servant should not communicate or part with any official documents except in accordance with a general or special order of government. The Official Secrets Act, 1923, as evident from its name, under section 5, provides that any government official can mark a document as confidential so as to prevent its publication (Verma 2011).

2.1.2 Media and Right to Information

2.1.2.1 Role of media in Publicising RTI

The media, especially in India plays a very important role in the society. The media is indeed the primary source of awareness so much so that the media has been started to be viewed as an entertainment as well. It is found that awareness is more broadly created through infotainment rather than just information and educational broadcasts. So, for this dissemination of
information to be accurate, their access to information is of crucial importanc. It acts as a connector between authority and public and is a means of mobilization (Coronel 2003).

Bapat (2013) in her article “Right to Information: Its Scope and Need” says that the media’s right to information is not a special privilege but rather an aspect of the right of the public to know. This view finds support in judgements of the Supreme Court of India in cases involving claims of press freedom.

Sekhar (2010) in “Right to information in strengthening participatory democracy” says that the media’s right to information is not a special privilege but rather an aspect of the right of the public to know. This view finds support in statements of the Supreme Court of India in cases involving claims of press freedom.

There is quite an amount of secrecy even today that restricts the free flow of information, but there are also a lot of developments in terms of promoting laws pertaining to freedom of speech and expression.

According to a presentation by the UNDP, the RTI works on seven core principles. The seven core principles are: maximum proactive disclosure, obligation to publish, promotion of open government, limited scope of exemptions, processes to facilitate access, reasonable costs and disclosure takes precedence.

The RTI not only allows the media in playing a more constructive role in empowering people but also strengthens democratic polity. Many of the changes that have been brought about by the Act are at the most basic levels and do not come to public attention unless publicized by the media. By
using the RTI Act, the media can illuminate and even investigate issues that concern the larger population of the country (Mishra 2009).

The draft bill made by Justice Sawant, Chairman of the Press Council in 1996 mentioned, ‘With the right to information on their side, the media need no longer depend on questionable sources of information, and can use the RTI Act to access credible and authentic information’. By using the RTI Act, the media can disseminate news/awareness with proper sources and accuracy. As a follower of the RTI Act, the media should play a dual role – of being an RTI activist, as well as a mediator and make sure that there is full implementation in both urban and rural areas. Once the implementation is successful, the media can make sure that there is full justice done to those who deserve it.

According to United Nations Development Programme (UNDP) presentation, media have three basic functions when it comes to the RTI and they are to inform and educate people about RTI, to generate debate about various issues, to disseminate a democratic culture of tolerance towards alternative points of view.

2.1.2.2 RTI Act and Television

Joshi (2009) in “The Movement for Right to Information in India” explained that the media in India have so far been quite supportive to the RTI Act. Many newspapers and TV channels have allocated specific modules to discuss/disseminate issues relating to the RTI. The media are partnering with NGOs, and civil societies in this noble cause. The results are quite inspiring. However, there is no denying the fact that almost every Indian news institution/ channel does have its own commercial interest that takes precedence at least at some point of time. A newspaper or TV channel looks
comfortable as long as that particular interest is thoroughly protected. This trend applies to the RTI movement also.

Das (2010) in his article “RTI and Beyond” commented on the morals followed in the Indian media. “The ugly face of these media houses comes to the fore when there is even the slightest hint of bringing in some control over their activities. That was evident when the Broadcasting Bill made its appearance first in 1997 and then a decade later in 2007. The bill has failed to get promoted to an Act but the panicky reactions of the commercial media houses have gone down in history as proof of their identity. The TV channels that enjoy free spectrum for their operation will spare no tools to attack the central Information and Broadcasting or the Telecommunications ministry when it seeks to make them pay for the spectrum that they have thought to be their ancestral property. While cell phone service providers pay hefty sum for the lease of airwaves through competitive bidding, TV channels are only too happy to enjoy the facility without paying a penny. Therefore, it will not be wise to expect too much from a press that is not transparent in its own operations”.

In his working paper, “Role of Press in the Promotion of RTI” Pathak (2011) said that there exist some constraints on the media pertaining to the RTI. The media institutions and processes of media required to make the Act more effective are inadequate and inappropriate. Media’s role is affected when the information flow within the government is skewed and there are bureaucratic delays in providing information. A largely illiterate population of India makes media campaigns more effective through the broadcast media rather than the print. Again, the penetration of broadcast media, especially in rural India is not deep enough.

Bhattarai (2011) in his conference paper, “Anti-Corruption Campaign through RTI” said that the media, being a fourth State pillar,
shoulders the responsibility to make the State more accountable and transparent. As things stand now, most people are not aware of their right to freedom of information in a direct and personal way. Therefore media's role is to spread awareness, and empower the citizens to use RTI as an anti-corruption weapon. When lack of proper exercise of the anti-corruption laws pose a question mark on its functioning, it becomes necessary to pay attention to the sources of information and means of communication.

Centre for Good Governance (2006) in the paper titled “The Right to Information Act, 2005 - A Guide for Media” strongly emphasized the role of media and the areas it can have access to when it comes to exercising the RTI Act. Mass media enable the flow of information, knowledge and communication in a democratic polity and hence the role of media holds key emphasis in good governance. On the one hand it acts as a watchdog of the government and corporate sector and on the other hand it helps in building public consensus through empowerment and by creating social awareness. It gives voice to people’s opinion, thus encouraging much needed public participation in governance thereby establishing a responsive state.

Bhattarai (2011) in his conference paper, “Anti-Corruption Campaign through RTI” explained that one of the reasons why media could not perform an effective role in using RTI as a tool for investigative journalism is the lack of understanding of the Act. The other reason behind media's indifference toward RTI is its excessive obsession with political affairs and issues.

Centre for Good Governance (2006) in the paper titled “The Right to Information Act, 2005 - A Guide for Media” stated that information is power and therefore media should try and build an information society on the basis of knowledge. It should protect and extend media freedom and its right to access information. It can thus hold debates on topics of public interest.
along with providing a platform for the voice of the poor and the marginalized. Media powered with the right to information can cater to key issues of society such as public service delivery, mal-administration, citizens’ grievances, corruption and inefficiency thereby instituting transparency, accountability, effective administration and good governance. All of this can only be achieved if media could act unbiased.

The situation in Indian situation demands the emergence of role of media which can bind people towards a combined social cause wherein media stands unbiased, and helps in making the system more transparent and accountable. It should educate and inform people about their rights and generate a positive opinion towards bringing in a social change. The object must be the same: to support integrity and freedom of the media while encouraging the highest ethical standards and best practices (Jebaraj 2010).

If RTI is taken as the fundamental right, the objective of RTI Act can be achieved with certain changes in the existing system. This was explained by Kundu (2010) in his article “Democratic need of Right to Information Act in India”. He opined that corruption which has been a major anxiety for our country for decades - has an answer potentially in the hands of RTI.

Tiwari (2010) in his article “Right To Information: An important tool of social development, good governance and strong democracy” explains that RTI Act can be effective in informing cores of grass-root level people whose development is flawed due to corruption. According to him, the greatest challenge of today’s India is bad governance. The use of RTI at the lowest level of the administrative arrangement, especially, at the village, block and district levels has shown tremendous possibilities in making democracy dynamic, energetic and useful for the public. The right to
information will encourage journalists and society at large to question the state of affairs.

James (2009) in his article “Is Technology Networking Changing Childhood?” says that for the past five years, usage of social networking sites has increased among youth. According to a latest poll, 22% of teenagers log in more than 10 times a day to their favorite social media sites.

Social networking sites discuss various topics that lead to social change by creating awareness on the topics they discuss. One of the topics discussed often is the RTI Act. The information shared by the users of the social networking sites may lead to a positive impact, but there is also a negative impact of these technologies which is being discussed by Banisar (2011) in his paper “The Right to Information and Privacy: Balancing Rights and Managing Conflicts”. According to him the recent communications technologies create and collect substantial records about individuals in the process of providing communication.

Despite such misuse of technology, majority of users are inclined to use technology for discussion. Internet can be used for seeking information and this is dealt with in a paper released by the UK government on “The Guide to Freedom of Information”. The Act may be valid when the request must be in writing and it can be letter or email. Also if there is a chance of making the request via web or through social networking sites such as Facebook or Twitter it is relevant if the public authority also has access to these tools.

Dhaka & Rajvir (2009) in their article “RTI Act and Good Governance” points out that the follow-up steps should be taken by the media: Multimedia, especially TV Channels might be used for information
dissemination; best practice on RTI should be show cased; street plays and talk shows need to be organized regularly on various forms of media.

Patnaik (2006) reviews experience inside and outside of the RTI Act, role of media and the applicability. In his review he says that the media could extend RTI in public imagination in two ways – (i) By using it themselves and (ii) by propagating its use.

Sen (2009) asserts that it is incumbent on the press, with regard to print media as well as audio visual media, to impart information and ideas which the public has the right to receive. Otherwise, the press would not be able to play its role of public watchdog. Thus for exercising freedom of expression, one must have freedom of information. In this regard, the approval of Freedom of Information Bill 2000 by the Indian parliament had been a welcome move.

The Project Report submitted to RTI Assessment and Accountability Group (RAAG) and National Campaign for People’s Right to Information (NCPRI) (2009) titled “People's RTI Assessment 2008” studies about RTI & public, government & RTI, NGO & RTI and Media & RTI. The report stated that as a National average, there were 65 items on RTI per publication per year, making it an average of 1.25 items per week. Uttar Pradesh, Rajasthan, and Maharashtra were above the national average, while national publications and publications from Gujarat, UttarKhand, and Orissa were below the national average. RTI Coverage in national periodicals within the sample was very limited both in English and Hindi. ‘Tehelka’ and ‘Outlook Saptahik’ were top performers but they only had nine and seven RTI stories for the entire three year period. Other magazines with higher-than-average RTI coverage at the regional level are ‘Kudimakkal Murasu’ in Tamil Nadu, and ‘Pavat Piyush’ in Uttarakhand. The study suggested that regional level media was more focused on people’s use of the RTI while national media tended to
focus more on RTI issues and developments. Two states in India Gujarat and the Karnataka media appeared to be promoting the RTI most extensively. The study also found that the Indian media are not yet using the RTI Act much for unearthing stories and investigating issues.

According to the report by Cleangovbiz (2013) titled “Investigative Media” RTI does not seem to be using the RTI to collect information or stories and disseminate them when it comes to investigative journalism. This is shown by the lack of many articles on different media. Even the print media, which is generally used by most of the population as the primary source of information, has not used RTI Act very often to gather material for stories.

According to a report by RAAG and NCPRI on “Safeguarding the Right to Information”- A Report of the People’s RTI Assessment (2008) stated that only two states in India namely Tamil Nadu and Karnataka had investigative stories emanating from RTI.

Sathe (2012) in his “Constitutional law’ 29th Annual Survey of Indian Law”, has said that the owner’s right, at times may conflict with viewer’s right to information. The bias of the media in reporting and non-reporting is often seen as a projection of the policy of the owners. The situation is exacerbated when monopoly becomes the common syndrome, thereby stifling freedom of information where business interests are affected.

Farmer (2009) in “Nation, State, and democracy in India: Media regulation and government monopoly” opines that for a long time, the electronic media in India was under the government’s monopoly. Both radio and television were exclusively owned and operated by the State through its Department of Information and Broadcasting. Under the economic policy,
embarked upon in 1991, the media was thrown open to private ownership also. Several upcoming channels are now owned by private companies.

2.1.2.3 RTI Act and New Media

With the continuing evolution of Information and Communication Systems (ICT) that includes the internet as well as mobile based applications, there lies a huge opportunity to leverage these networks to ensure a more proactive mode of governance. Chapman, Slaymaker and Young (2001) in “Livelihoods Approaches to Information and Communication in Support of Rural Poverty Elimination and Food Security” stated that technological solutions like ‘cloud’ could be used to provide a platform to implement such solutions and provide a basic framework for providing information to citizens in a cost effective way.

RTI has taken its first step into the new media by launching a smartphone application. To help make the Right to Information (RTI) Act even more accessible to citizens, RTI India launched a mobile application for Android phones. Available to download for free from the site www.rtiindia.org, the application works as a cross between a social networking site and a RTI encyclopedic help book. It helps the customers who have downloaded the ‘app’ to access the elements of the RTI with the click of a single button.

Social Networking Sites are becoming the most used means of communication today. This indicates the growth of information and communication technologies. The fact that, with the Internet, the masses, especially youth can be reached at just a click of the button is really a giant step when it comes to mass communication. Safranek (2012) in “The Emerging Role of Social Media in Political and Regime Change” remarked that the increasing penetration of information and communication
technologies in people’s lives has brought about a significant change in the interactions between individuals and organizations. The youth of today seek information mostly on the Internet, and books are gradually becoming obsolete. While in the comfort of their home, they get the luxury of being in a library. This is where the relationship of social networking sites and the RTI come in context for developing an effective method of communication for more citizen-centric governance. Increased demand and ease of availability of information has succeeded in empowering a generation.

Since media is now being used as a means of social activism, it has indeed become very important for the government to respond to the need of connecting to the common citizen Prasannakumar (2010) in “e-Governance and Service Delivery-Scope and Implementation Issues” opines that there is a need to allow and upkeep the right for a citizen to demand and choose the information that is so needed, but not limited to, inclusion of the people in marginalized sector, increased outreach, scope for collaboration with general public, real time engagement with citizens, scope for reaching out in an individual interaction and ensuring transparency in all operations. A direct relationship has been found to exist between the right to access information, an informed (as also empowered) citizenry and good governance.

According to the article by Prakash & Chaudhuri (2012) titled “A Knowledge Base for RTI should be the next big change!” found an important step in this direction could be in providing inter-linkages among all such forum used for communication. For eg: A page which is used by the Planning Commission for gathering inputs can have links to popular social networking sites like twitter and facebook. They suggest that it would be much better if the links to all of these government related Social Networking Site pages could be available in a single portal so that the process would be far more user friendly and streamlined for the general public. They feel that the kind of
knowledge that the viewers would get through in this can be used not only for speeding up requests for information but also could negate the need for such information assistance to be provided the way it is now.

It is necessary for the government to get active with Social Networking Site interactions now. They will definitely have slight repercussions in taking forward the venture, but the legal frameworks for handling all such interactions will be a constant and an evolving challenge. While standards and regulations need to be spelt out separately, the execution of a knowledge repository for the RTI Act is a wholesome and comprehensive plan.

Kejriwal (2007) in his article “Right to Information - Myths or Reality” quoted that in 1764, an English traveler by name Edward came to India and went around many places and finally came to the Taj Mahal. He wrote in his diary, that the people of the world could be divided into two categories - those who have seen Taj and those who have not. Kejriwal concluded that similarly, one could say that today, people of India could be divided into two categories with mindset of pre-October 2005 (pre-RTI enactment) post-October 2005 (post-RTI enactment) scenario.

Yashada (2006) in “Right to Information Act, 2005: A primer”, analyzed the historical perspective of Right to Information Act (RTI) and discussed RTI cases. He said that there was a paradigm shift with the Right to Information Act, 2005. It was an Act which would be implemented by the people and acted upon by the government. The public is supreme, as far as the RTI is concerned.

Pruti (2006) in “Manual of Right to Information Act” reviewed various legal aspects about Right to Information Act, 2005 and Supreme Court’s comments on RTI Act. Pruti also elaborated on various State level
RTI acts that were present and gave legal perspective. She writes that the people of the country have the right to know every public act. They were entitled to know the particulars of every public transaction in all its bearing.

Nilekani (2008) in “L.P's Right to Information Laws” said that India's policy makers and politicians had been great at making agendas and blue prints and the five year plans had been nothing if not exhaustive. Their major weakness had been in execution. They needed committed and honest efforts for overall reforms for betterment of their beloved citizens. In fact half reforms were worse than no reforms.

In the survey by Commonwealth Human Rights Initiative (2009) titled “Compliance with the Right to Information Act: A Survey”, the effectiveness of public authorities is being analyzed. Commonwealth human rights initiative and Nagarik Adhikar Kendra, Kalol conducted a survey to assess the compliance of public authorities with their obligation under Right to Information Act in Panchmahal, Gujarat. The survey was carried out in 95 government offices - 71 in taluks and 24 in districts. The findings of the survey include “With the exception of a handful of public authorities that have made serious efforts to implement the RTI Act, the record of compliance is poor in a large majority of the offices. Compliance at the taluk levels was much weaker compared to offices at the district level.

Roberts (2009) presented a research paper titled “A Great and Revolutionary Law? The First Four Years of India’s Right to Information Act”. This research was based on two large-scale evaluations—one produced for the Government of India by Price Waterhouse Coopers and another by a coalition of civil society organizations, the RTI Assessment and Analysis Group. The study revealed that Indian citizens filed about two million requests for information under the RTI in its first two and a half years. However, use of the law has been constrained by uneven public awareness,
poor planning by public authorities, and bureaucratic indifference or hostility. Requirements for proactive disclosure of information are often ignored, and mechanisms for enforcing the new law are strained by a growing number of complaints and appeals.

Palanithurai (2009) in his article “Problems and scope in handling RTI from grassroots perspective” expressed that after the introduction of RTI, people attempted to use RTI but responses were not positive. It was interesting to note that the news item appearing in newspapers in Tamil Nadu on use of RTI were not encouraging the people to apply under RTI. Newspapers carried news of struggle in using RTI rather than stories of success. Having seen the struggle, people would not opt to use the RTI.

Rambrahmam (2009) in his article “Implementation process of RTI” stated that the law could be used effectively if media educate themselves about RTI as it enabled both macro and micro policies issues to be adhered to. He pointed out that the major government decisions as well as the regular, nevertheless equally important issues like drinking water, electricity, mending of roads could receive equal attention if the Act is used as it should be.

Jain & Jain (2009) in their article “Promoting Right to Information through e-Governance-A case of e-Soochna and other initiative in H.P.” analyzed the rural development schemes of the Government of India and Government of Himachal Pradesh. He stated that the Government of Himachal Pradesh provided a panchayat wise list of ongoing rural development schemes along with the sanction date, sanctioned amount, amount spent, and present status of the scheme. The public could take a print out of any of that information from the 'e-Soochna' kiosk by paying nominal charges.
Gurstein & Singh (2006) in their article on ““Bottom Up” Perspectives on ICTs and the Right to Information’ said that in India, there was the additional issue that if the RTI were to be fully executed it is likely that the current governance system would be unable to cope with it. The scope of RTI is enormous and its potential for impact is very substantial. Gurstein and Singh stated that digital technologies which provide the means for very low cost publishing and information distribution are quite evidently the necessary support for the RTI and without them the promise of any RTI law or similar ascribed right cannot be optimized.

While the above research paper explains the potential usage of ICT in RTI and e-governance, Singh (2010) in her paper, “Promoting e-Governance through Right to Information: A Case-study of India” described the existing practice of e-governance enabled by RTI. In the first phase, e-governance is marked by web presence of public institutions and dissemination of information. This will be expedited by the Right to Information Act, 2005 (RTI) and this has been developed as a basic feature of all public services where the type of service and service provider details are made available in a practical manner. This information is being combined for citizen access through the National and State Portals which provide basic information on government programmes and services. Web presence can range from basic and static information to access databases, documents, policies etc with the aid of help features and site map.

Islam (2003) in “Do More Transparent Governments Govern Better?” explored the link between information flows and governance with the objective of examining how the availability of information may affect governance. This paper examined how the presence of Freedom of Information (FOI) laws may affect the way a country is governed. The purpose of all such laws is to define a framework for the sharing of
information. The information needed was to make sound economic and political choices, to monitor agents and reward or punish accordingly. Better availability of economic data and the ability of people to demand and receive the information they need are highly correlated with governance. Governments that do not produce, organize and share information will be hampered in policy making. Good policy requires up-to-date information on the economic situation and also the sharing of information for better coordination, analysis and monitoring.

Koneru (2007), in her study is of the view that e-Governance as a technology-enabled public information services system aids not only in re-engineering the structures but also in re-organising the procedures and processes for speedy delivery of services and information. Connectivity, community participation, and content are the prerequisites for designing effective governance.

Singh (2010) in her paper on “Promoting e-Governance through Right to Information: A Case-study of India” expresses that the first phase of e-governance is marked by web presence of public institutions and dissemination of information. This will be facilitated by the Right to Information Act, 2005 (RTI) and this has been developed as a basic feature of all public services where the service and service provider details are made available in a proactive manner. This information is also being integrated for citizen’s access through the National and State Portals which provide basic information on government programmes and services.

2.1.3 Right to Information and Social Change

With the rise of the Internet, facebook and blogs nowadays, common citizens are very well empowered with media, as it is more widely distributed than ever. This was explained by Shan (2007) in “The Right to
Information Act, 2005” stated that media being the fourth pillar of a democracy, really has the potential to bring in social change. Empowerment, social awareness and good governance are the three key areas where the media can prove to be beneficial and helpful in the upliftment of people.

Public participation helps media to bring about social change. Media requires freedom to express for informed citizenry. This has been explained by Parceiro (1999) in his article - “The Role of Media in Democracy: A Strategic Approach”. He stated that by informing citizens about developments in a society and helping them make informed choices, media make a democracy function in its true spirit. It also keeps the elected representatives accountable to those who elected them by highlighting whether they have fulfilled their claims for which they were elected and if they have stuck to their oaths of office.

According to an article published by the Centre for good governance (2006) - “The Right to Information Act, 2005 - A Guide for Media”, media can make a real difference to the lives of poor and disadvantaged people in the following ways:

- 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; and
- Providing a discursive space for citizens to dialogue with other actors in the governance process.
After the Internet era spread out throughout the world for sharing ideas and gathering knowledge, social media helped people to use as an effective tool in bringing social change Mernit (2009) in his paper “Using social media for social change” describes that this is a digital age where social media has made a well-established network of audience. The social networking sites effectively follow issues in society and generate people’s opinion. Net-enabled social tools have enabled new models for grassroots activism and community building, and they have changed how we function in society. These web based tools have actually given voice to people to share, create, rate, and also to demand information and get it from the government.

The next chapter discusses the existence of information legislations throughout the world.