CHAPTER 1

INTRODUCTION

1.1 RIGHT TO INFORMATION

This is the age of information explosion. The vast development in communication technology has placed information at the centre for development. The entire world is full of information, the potential of which is unlimited. The important fact is that information is meant not only for the government but also for the public. Thus the emergence of the right to information had taken place.

Information is the currency that every citizen requires to participate in the life and governance of society. The access to information by the citizens will ensure the responsiveness of the government. Alternatively, the restrictions that are placed on access to information will bring about the feelings of powerlessness and alienation. If people are not information rich, they cannot adequately exercise their rights and responsibilities as citizens. Information possessed by the government is a national resource. This information is generated for purposes related to the legitimate discharge of their duties of office and for the service of the public for whose benefit the institutions of the government exists. It is the people who ultimately fund the institutions of the government and the salaries of officials. It follows that the government and officials are trustees of this information (Bapat 2013).

As per RTI Act, “Information” means any material in any form, including records, documents, memos, e-mails, opinions, advices, press
releases, circulars, logbooks, orders, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.

The right to information has a direct link with the right to freedom of expression. The right to use public sector information is considered as a part of the right to freedom of expression. In principle, the right to access to information applies to all information held by public bodies. In some countries certain databases are excluded from the scope of this right and in most of the countries the law is not very clear. On the whole, the practice varies across countries. Similarly, all countries establish a right to information in electronic format. These laws consider the general public as the legitimate owners of public information (Chandra 2007).

1.2 FREEDOM OF INFORMATION AROUND THE WORLD

Freedom of Information (FOI) is the essential right of every person. It allows individuals and groups to protect their rights. It guards against abuses, mismanagement and corruption. It can also be beneficial to governments themselves - openness and transparency in the decision making process to improve citizens’ trust in government actions. FOI is now becoming widely recognized in international law. Numerous treaties, agreements and statements by international and regional bodies oblige or encourage governments to adopt laws.

The importance of access to information has been recognized globally. In Sweden, Freedom of Information laws have existed from 1766. Sweden passed its Freedom of the Press Act in 1766, granting public access to government documents (Hart et al 2001).
In 1946, the United Nations General Assembly declared that “Freedom of Information is a fundamental human right and the touchstone for all freedoms to which the United Nations is consecrated”. The right to information was given international legal status when it was made a part of Article 19 of the International Covenant on Civil and Political Rights in 1966 at Geneva (UN General Assembly 1946). Thereafter nearly ninety four countries have passed national legislations entrenching the right in domestic law.

It is the duty of every government official to make sure that government decisions are taken in a transparent way. But it is quite tough to follow the same, as changes in government, bureaucracy and other factors inhibit the ‘open’ working of the government. For example, 13 years after the enactment of the Australian Freedom of Information Act, the Australian Law Reform Commission found that, the Act was not yet accepted throughout the bureaucracy. There was a certain level of discomfort within the bureaucracy with the concept of open government. It was observed that it might take a generational change before there is a good working relationship with the FOI Act and the public sector (Australian Law Reform Commission 2003).

Any Freedom of Information legislation is judged better if the quality of access to information to the public is good. If reliable records are not created in the first place, if they cannot be found when needed or if arrangements for their eventual archiving or destruction are inadequate, the law is considered inadequate.

In Australia for example, the Senate Legal and Constitutional Legislation Committee reviewed the National Freedom of Information Act almost 20 years after it was passed. Subsequently, the Australian Law Reform Commissions also reviewed the Act and published more than 150 recommendations for improving it. In the recent years, the federal
The government set up a Task Force in 2002 to review the access law in Canada. The Canadian Information Commissioner made many suggestions to a Senate Committee, established to review the law after public consultations were conducted in 2005. (Canadian Information Commission 2005). Importantly, any review of the legislation must be undertaken with the objective of increasing transparency and creating more and more convenience for people to access information.

Malta adopted the FOI legislation most recently. On the 1st of September 2012, Legal Notice 156 of 2012 brought the Freedom of Information Act (Chapter 496 of the Laws of Malta) into force, allowing the Maltese public to submit requests for documents or information held by the Government of Malta. FOI requests are submitted free of charge, but processing of documents by public authorities may require the seeker to pay a fee that never exceeds 40 Euros. When the access to a document is refused, the FOI Act in Malta provides for a complaint and appeal mechanism that can eventually be resolved through the Courts of Appeal (Rodrigues 2008).

1.3 ORIGIN OF RIGHT TO INFORMATION IN INDIA

From time immemorial, the Indian society had been a ‘duty-based’ society. Whether it was Sanskrit or Tamil, two of the oldest languages in this part of the world, both have, through their classics, extolled the virtues of being dutiful. During the Vedic age, and the subsequent Biblical Age, the importance of information had been very well recognized. Right to information was part and parcel of mankind’s life, whether it was oriental or
occidental philosophy. But when human evolved into a ‘social animal’, this right needed to be codified, especially when it came to governance and government (Iyer 1926).

The right to the access of information has become indispensable. Not only do people want to involve themselves in knowing what is happening with the government they have elected, but they are also interested to know details like how their tax money is spent, what developmental strategies are thought out for the development of their area/country and so on (Reddy 2013).

During the British rule in India, rights of speech, writing and even the process of living were either interfered with or came to be administered by the Colonial Authorities. The rulers and the ruled had different sets of laws. This sowed the seeds of the freedom movement which was nothing but a protest against suppression of rights by the British. “Swaraj is my birthright” the call initiated by the leaders of freedom movement, was the clarion call for establishing one’s rights. The Rights movement caught on and resulted in explosive situations in different parts of British India and people started various movements with the fundamental right to be free citizens. The British enacted several laws including the Official Secrets Act in the late 1800s (amended subsequently in 1923) to suppress the rights of the citizens, which still holds good (Chaubey 2012).

1.4 HISTORY OF RIGHT TO INFORMATION IN INDIA

Though India is one of the oldest civilizations in the world, as a nation, it is quite young. India is the world’s largest democratic country. Democracy was ushered in India when the Constitution of India – the world’s longest written constitution was framed on 26 January, 1950 (Joydeep 2013).
Article 19(1) (a) of the Constitution of India provides the right to freedom of speech and expression to all its citizens. This was included in the fundamental rights with the intention of building a coherent environment and bringing forward the thoughts of the people in a democratic set up. The right to freedom of speech and expression was incomplete without the right to information. When there was no right to information, citizens were forced to grope in the dark while the bureaucrats kept all the information hidden. The Indian constitution was framed, keeping the Britain constitution as a model. The Official Secret Act is one of the acts which do not allow the disclosure of official information to a common citizen and this Act existed in India from the year 1923. The Official Secrets Act was given more importance than the right to freedom of speech and expression and this eventually placed the rights of the citizens on a lower scale.

The Right to Information Act (2005) has provided freedom from all these constraints to the citizens of India. The common people cannot be denied information, as not providing information under the RTI Act in the stipulated period of 30 days, is a punishable offence. The queries of citizens cannot be shelved or disregarded. The RTI Act, if used sensibly and efficiently, can take the country in the direction of new democracy and good governance.

Today, it is not the people’s representatives who raise important questions; common people, RTI activists and social organizations are raising these questions. And what is even better is that not only have they received satisfactory answers but proper action has also been taken on the issues raised by them (Jain & Khurana 2006).

The right to information is important for a transparent democracy as it provides the citizens with the right to access activities and decisions taken by the government and its authorities. The Indian Parliament enacted
the Right to Information Act, 2005 which received the presidential assent in June 2005, but came fully into force on October 12, 2005. The RTI Act of India is considered a standard Act according to international best practice laws, but its effectiveness depends on the government’s willingness to support the true spirit of openness and transparency (Patra 2009).

The evolution and enactment of RTI Act in India was slow and gradual. It started with a group of villagers in central Rajasthan – one of the northern states in the country. The group consisted of mostly poor wage workers, who asserted their right to information by revolting against ghost entries in muster rolls, which was the sign of rampant corruption in the system. They fought and demanded official information recorded in government rolls related to drought relief work. The movement spread to various parts of Rajasthan, leading to a nationwide movement for the RTI and related state legislations (Verma 2008). Many states in India took the initiative by enacting RTI laws, much before the central government took up the initiative. Tamil Nadu (1997), Goa (1997), Rajasthan (2000), Karnataka (2000), Delhi (2001), Maharashtra (2002), Assam (2002), Madhya Pradesh (2003) and Jammu and Kashmir (2004).

The demand for legislation on Right to Information was made from the grassroot level. A non-governmental organization in Rajasthan named Mazdoor Kisan Shakti Sangathan (MKSS) held a Jan-Sunwai (People’s hearing) in the village Bhim Tehsil of Rajasthan. Because all the development projects had been completed on paper but in reality there was misappropriation of funds. MKSS was successful in getting copies of relevant documents. The muster rolls contained names of people who were either dead years ago or did not exist in the village. Between December 1994 and April 1995, several other public hearings were organized in the State of Rajasthan. This movement soon spread to other areas of the country (Rani 2010).
The demand for national law started under the leadership of National Campaign on People’s Right to Information (NCPRI). The Freedom of Information 2000 was passed in Parliament in 2002 but not notified and hence, never came into effect. On June 15th, 2005, the then President Dr. APJ Abdul Kalam gave his assent to the National Right to Information Bill 2005. The Act became operative from 12th October, 2005. The national campaign for RTI received a major boost when the UPA Government’s Common Minimum Programme promised that the RTI Act will be made more progressive, participatory and meaningful. The National Advisory Council, which was set up to oversee implementation of the Common Minimum Programme since its inception, took a close interest in RTI. All this and many other factors, including pressure from the civil society groups led to the enactment of the RTI Act in India, which came into effect in October 2005 (Mander & Joshi 2012).

With the passing of the Right to Information Act in 2005, India has evolved from the largest democracy in the world to an accountable, interactive and participatory democracy. The Right to Information Act is an essential milestone for Indian democracy. Because of this Act, citizens of India have been empowered like never before. Srivastava (2010) says that the Act promotes transparency and accountability in administration by making the government more open to the public. The RTI provides a premise for promotion of citizen-government relationship in carrying out the programmes for the welfare of the people. He stresses that due to the enactment of RTI Act anyone can now question, audit, review, examine, and assess government acts and decisions to ensure that these are true to the principles of public interests, good governance and justice.
1.5 DEMOCRACY AND RIGHT TO INFORMATION

Sharman & Saxena (2013) brings out the importance of the Right to Education Act and democracy in the implementation of RTI. Declaring information to citizens is the basic premise of a democracy. They state that Democracy and right to information can be exercised by the educated people, in the democratic set-up of the country. It reflects the full control over governmental functions by the people, directly by the role of opposite political parties and indirectly by the public opinion and exercising the franchise by the people of free country. A true democracy is one where everyone has the right to education, and where people understand what is good and bad. The real value of a democracy depends upon how the educated people of that democracy use it.

Democracy, in general, is understood to be a form of government which is subject to popular sovereignty. It is essentially a rule of the people, by the people, for the people which is in contrast to monarchies or aristocracies. A democratic system can run to its utmost potential when there is wide participation on the part of the public. This is not possible without people getting informed about various issues. Reliable information forms an important constituent of any democratic society (Habermas 2006).

Freedom of expression and right to information are considered to go hand in hand in any democratic country. For the last twenty years, there has been a global trend towards the recognition of right to information and freedom of expression among the people of all countries. Greater is the access to information in a democratic country. The right to information and freedom of expression has been granted the status of being the fundamental human right. This ensures that the dignity of human being is not affected (Sivakumar 2013).
In a democracy, access to information is one of the most important factors. Allowing people to access information through public documents serves as a means of fighting corruption, enabling citizens to effectively participate in public life, making governments more efficient, encouraging investment, and helping persons exercise their fundamental human rights. Many governments are confronted with the urgent need to improve their economy, reform their constitution, strengthen institutions, modernize the public administration, fight corruption, and address civil unrest. For these governments, access to information can be used to achieve all of these objectives (Drew 2003).

With an access-to-information law, governments must be able to devise a more transparent means of storing records which are more efficient, reduce discretion mechanism and allow them to make better decisions based on factual information. The more the amount of transparency, the more will be the trust between the government and the public. Bringing in a change may be difficult but not impossible. The first step is to raise the community's awareness of their right to information. It is important for legislatures to pass comprehensive laws that set out the procedural framework for requesting and receiving the information. Developing an access to information culture can be divided into three phases, the passage of the law, its implementation and its enforcement (Malik 2013).

Transparency is the vital proportion to administration which has constitutional dimensions and this value represents an additional justification of the right to information. It holds that anti-corruption laws help in improving transparency and hence the overall working of a country. The constitutionality of access to information in this sense does not relate to its nature as a right, but to its nature as an important component of governance in any democratic regime. As is well known, the right to information not only
protects the other rights but also determines the structure of the government of the country. It also helps to protect people from the governments trying to threaten or take undue advantage of the public (Peled & Rabin 2008).

1.6 MEDIA AND RTI

Proper information is the primary necessity for a transparent and honest government. The right to information helps in providing this primary need and hence facilitates transparency, which is important for a democratic country like India. Media has a powerful impact on the acquiring of information. Media has been proved to be able to reach masses even in remote areas in a short span of time. The media monitors the functioning of the government and public officials and every other element that affects the administration. It informs and educates citizens about their rights and responsibilities, and holds the governments accountable. To perform these functions in an effective manner, the media needs to have an accurate account of events, complete and true information about various decisions at administrative level and a clear picture of the consequences of these decisions (Venkatesu 2012).

Aruna Roy and Nikhil Dey - the founding members of MKSS and forerunners of RTI - opine that media has a great role in communicating RTI to the citizens Thomas (2011). According to Aruna Roy and Nikhil Dey, in earlier stage of enactment of the RTI, media was doing extremely constructive coverage but the current scenario has been changed. The purpose of enactment for the RTI is not given priority, especially in electronic media. The focus of media has got dissipated in focusing on awards, functions etc and not exposing the in-depth details of RTI. They find the media to be just an informer on the number of RTI applications filed.
For the media to work effectively, journalists should be as perfect and accountable about the information acquired as possible. There should be full verification of facts before the information is disseminated through the media. The sources of the information should be authentic, otherwise people will be misinformed. The process of acquiring or collecting information through various legal means is called investigation, and the compilation in the form of a report of the acquired information is called investigative reporting.

As the ‘fourth pillar of democracy’, media not only has an important role in what the RTI Act claims to provide, but also in making sure that what is claimed is implemented, and enforced. Also, media helps in providing information to the citizens and building awareness about the RTI. In spite of the provisions that have been made to access information, citizens resort to media such as newspapers, radio, television etc. for daily information about public authorities and their activities. The media provides a link between the citizens and their government. In India, media’s right to information or right to express is not a special privilege. The media is given as much right as the public to access information (Ajay 2004).

1.7 NEED AND PURPOSE OF THE STUDY

In order to promote transparency and accountability in administration, the Indian Parliament had enacted the “Freedom of information Act, 2002” so as to enable citizens of India to secure access to information under the control of public authorities. The National Common Minimum Programme (NCMP) of the government envisaged that “the Right to Information Act will be made more progressive, participatory and meaningful” following which it was decided to abolish the “Freedom of Information Act 2002” and enact a new legislation in its place. Accordingly, “Right to Information Bill, 2004” was introduced in the Lok Sabha (House of Parliament) on 23 Dec, 2004. The Bill was passed by the Houses of
Parliament in May, 2005 and on receiving the assent of the President on 15 June, 2005, “The Right to Information Act” was notified in the Gazette of India on 21 June, 2005. The “Right to Information Act” has become fully operational from 12 October, 2005. This new law provides an important weapon in the hands of Indian citizens, empowering them to seek any accessible information from a public authority and making the government and its functionaries more accountable and responsible.

To create awareness on RTI among the masses, media is taken as an important tool to reach the larger masses. The strategies are planned to reach the larger masses and disseminate basic information on the Act and how to use it. It involves utilization of all mass media to disseminate a sequence of basic messages on RTI in a coordinated fashion aimed at general population. For the people to use it extensively awareness on the Act has to be created.

The purpose of this research is to understand and investigate the effectiveness and impact of Right to Information Act through mass media to address the issues that are challenging media to communicate this Act. The major objective of the research is to examine the influence of different media (print and television) in communicating the Right to Information Act among the masses. When awareness on this Act is created through media, people tend to know more about it and start using it to overcome the day-to-day problems faced by them, thus making the objective of enacting this Act a success. Transparency in the functioning of public bodies and participatory democracy could make the country corruption-free and every citizen will enjoy the benefits. Right to Information helps to overcome corruption and act as a tool to get the information from the public authorities. It also helps journalists to investigate and identify the regulatory activities of the government, to get education related information, job-related queries, quasi – judicial information (Municipal bodies, Corporation etc) and operation of various government ministries etc.
1.8 OBJECTIVES

1. To identify the relationship between reading newspapers and observation on RTI related content in newspapers.

2. To identify the relationship between watching television and observation on RTI related content on television news channels.

3. To find the impact of mass media as a source of information on RTI.

4. To find the duration of coverage of RTI related news in news television channels and space of coverage of RTI related news content in newspapers.

5. To identify the major formats of presentation of RTI related content in newspapers and television news channels.

6. To analyse whether RTI related news is given the headlines coverage by newspapers and television news channels.

7. To examine the public participation in RTI related coverage in newspapers and television news channels.

8. To find whether RTI related content is given with supportive visuals by newspapers and television.

1.9 LIMITATIONS OF THE RESEARCH STUDY

- The survey was done with respondents who had sufficient knowledge on RTI. This was due to the fact that only people who had sufficient knowledge could respond about media’s
coverage and also suggest suitable ways to enhance the awareness of the Act.

- Only two types of mass media, television and newspaper were chosen for the content analysis.

- The content analysis of English language newspaper and television news channels was done only for a period of three months.

- For the content analysis of television channels, only two national channels (English) and two regional channels (Tamil) were chosen.

- The content analysis of regional language newspapers and television news channels was done for a period of forty five days.

1.10 OVERVIEW OF THE CONTENT OF CHAPTERS

Chapter 1 Introduction, gives general introduction about the research area, background of the study, objectives and limitations of the research.

Chapter 2 Review of Literature, provides related research from various sources like journals, books, periodicals and web sources.

Chapter 3 Discusses the existence of information acts throughout the world.

Chapter 4 Research Methodology, discusses the methodology adopted for the study area.
Chapter 5 Analysis and Interpretation presents the results and discussions of the survey and content analysis.

Chapter 6 Conclusion, presents the major findings, recommendations and scope for further research.

The next chapter will deal with the review of literature collected from various sources like books, journals, periodicals and web sources.