



## Newspapers and Right to Information Act – Interface and Implications

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### KEYWORDS

#### Introduction

A decadal journey of Right to Information Act regime in India has evolved mixed responses and opinions. The studies and research over the years has substantiated the claim that the act has firmly ingrained in Indian psyche as an effective tool for unearthing corruption and to promote open governance. But the administrative apathy in promoting and publicizing the act, responses in terms of attitude and implementation are doubted and debated. The usage of the act by the citizens, media and other quarters, its implementation in various levels of administration have been under limelight for various reasons and issues attached with them. The act was instrumental in placating a slew of corruption episodes like Commonwealth Games, 2G and Adarsh society scam which have made it a perfect panacea for fight against corruption in the country. The use of Right to Information act by the citizenry is also increasing as seen by the growing number of applications each year. A peep into the type of information sought for also indicates that the act was put to use for both community as well as personal benefits. But the growing pendency of cases, lack of government support in promoting the act and in establishing necessary framework for its effective implementation has also raised serious concern.

The following institutional mechanism is put into place in every State or public authority as defined by the act. The information commissions i.e. Central and the State Information Commissions are appointed and have started functioning. The procedures, process and the methodology of getting information through RTI Act i.e. writing an application, payment of application fees, process of first and second appeals and its adjudication by the Information commissions is established and percolated to the applicants. The civil society in general and the media in particular have started using the act for its professional and personal uses. Most of the Central and State Government departments have appointed the Public Information Officers and the Appellate Authorities as stipulated by the act and they have assumed their roles and responsibilities. Most of the public authorities are aware of the basic elements of the act. But still many lacunas and weak links have been seen in the implementation of the RTI Act in all fronts i.e. the Demand side, Supply side, adjudication side and on the side of the Government.

The demand side is related to the information seeker's in which issues like low public awareness especially in specific groups like women, SC/ST/OBC's, differential quality of awareness was noticed and reported through various surveys. The constraints faced during the application process like standardized application formats, ease of finding the PIO in the establishments, directions and indications for getting to their offices, help received from the PIO's to file the applications, availability of user guides is still are still major problems. The supply side involves the Information provider's i.e. Public Information officers, Appellate Authorities, the nodal departments involved in administration and training of the act. Issues like quality of information given, courteousness of

the Public Information Officers, lack of proper awareness and refresher training, absence or obsolete record or file management systems in the offices, lack of basic infrastructure facilities like computers, availability of information in different sources are some of the major factors. The constant transfer of PIO's and Appellate Authorities is also a major constraint in the delivery of satisfactory information to the public. The ineffective or complete lack of implementation of Section 4(1) (b) i.e. Suo motto declaration of basic information of the public authorities is also one of the major reasons for increase in the information seekers.

The adjudication side involves the Information commissions i.e. the Central and State Information Commissions like preparation of Annual reports, alleged leniency towards PIO's and Appellate Authorities, non-imposition of fines and punitive measures, lack of proper follow up or monitoring mechanism of the judgments, high level of pendency of applications no uniformity in judgments of different commissions and non-appointment of full board of Commissioners etc are some of the problems. The Government needs to act proactively for the better implementation of the RTI Act but lack of budgetary support for publicity, lack of review and monitoring mechanism from the Government side, lack or no effective training policy for the PIO's and public can be regarded as some of the major problems. A major obstacle to the effective implementation of the Act is the lack of adequate awareness about the act among the marginalized sections of the society. Efforts have been made by the civil society groups like NGO's and government nodal agencies like MCR-HRD to build the capacities of the individual or groups to use the Act. A significant section of the population are still discriminated, excluded and marginalized due to lack of information. RTI Act, which aims to create an informed citizenry by giving access to information to marginalized and deprived sections, is yet to be realized completely.

The Right to Information Act necessitates the public authority a duty to provide information to the applicant. The act makes the public authority answerable for the actions of the public entity there by increasing the accountability, places the rules, regulations and decisions in the public domain thereby enhancing the transparency, compels the public authorities to act with sensitivity to public demands and expectations initiating better responsiveness system. It removes the gap between the public authority and the public there by enhancing the public participation there by increasing the efficiency & effectiveness of the public governance systems. An effective implementation of the RTI Act makes the democracy more dynamic and sustainable. But on the other side, the lack of will in implementation of the act may result in threatening of some of the most fundamental basic right like Freedom of Speech and expression, and its associated rights like Freedom of Media. Hence it is essential to review the implementation of RTI Act at regular intervals which can give more viable options to enhance the effectiveness of the act and thereby increasing its usability by the public. A regular review and assessment mechanism will result in unearthing the most common

hindrances faced by all the stake holders, which can be alleviated by formulating amendments. In this context the role of media assumes considerable importance in realizing the objectives of the RTI Act.

### Newspapers and RTI Act – The Interface.

The media is regarded as a public utility performing some of the important functions like dissemination of information construction of public opinion, creation of a public agenda as well as monitoring and surveillance function. In the context of the implementation of RTI act media can perform the role of a role of a **'monitor'** of public service delivery by invoking provisions under the RTI Act and it can also act as a **'facilitator'** for creating awareness and motivation about RTI in the community. Thus media performs a unique role of a **'motivator'** where in it can bring awareness among the people about their rights, thereby giving them accessibility and participation in government programmes. Media gives voice to the needs and aspirations of the people and provides them access to relevant information. Thus it can always act like a **'platform'** for airing of various opinions there by initiating debate and discussions on the matters of crucial importance. Media can act a powerful **'lobbyist'** through its agenda –setting function whereby it can bring pressure on the Government for initiating or roll back of a decision or action. Media can play the role of a **'catalyst'** whereby it can hasten the process of development by promoting information exchange there by promoting participation of people and the community as a whole. It can be a powerful **'anti-dote'** against corruption, nepotism, nepotism and misuse of power and stature.

Today the combination of RTI act and the media is recognized as a potent weapon for fighting corruption. It is a great **'social equalizer'** in which even the vulnerable and marginal sections of the society can make their voices heard. The undeniable impact of media on public attitudes, perceptions and actions has led to the increased form of citizen's engagement in the governance process. In today's context media is regarded as a **'development agent'** that has the potential to empower the citizenry and can play a positive role in good governance. The institution of media is very much an integral part of the concept of 'people's participation' in real terms, especially in a democratic country like India. It can be empirically proved that the different forms of accessibility of information, increased usage of various media tools s has led to the robust growth of the print, electronic and new media forms in the country. Thus the nexus between RTI act and media has further strengthened the fundamental basics of a democracy. The onus of promoting the RTI act was voluntarily taken up by the Indian Media. Media, especially news papers are playing crucial role in public life today.

Right to Information Act is one of the most powerful tools for the public as well as for media to get easier and authentic access to information. According to World Association of Newspapers, Indian newspapers have 230 years of history. The Indian Print media industry has shown a 'phenomenal growth' in the year 2014-15. As per the 'Press in India 2015-16,' report, prepared by the Registrar of Newspapers of India, the number of print media publications in India grew 5.13% in the year ended 31 March 2016. A total of 5,423 new publications were registered during the year, taking the total count of registered publications to 110,851 from 105,443 in the previous year, according to the report. Out of the total print media publications, 16,136 were newspapers, while 94,715 were registered as periodicals. The report indicated that the regional-language newspapers are easier to understand and claim highest circulation in the coming years also.

The potential of Newspapers can be effectively employed to enhance social awareness. 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. In this context, newspapers have played an important role in generating awareness on RTI act. While there has been no major media campaign for promoting the usage

of RTI Act, nonetheless the awareness on the Act has been generated through news articles based on RTI investigation. In the context of RTI implementation, journalists at times have played a dual role – as the users of RTI Act and as watchdogs, monitoring and scrutinizing the implementation of the Act.

In order to be strong on the ground, moreover, an Information law needs to be accompanied by grassroots or NGO activism and, most crucially, media that are willing to lend transparency advocates a platform. The media's natural self-interest in easier-to-access information provides an obvious incentive for editorial support. Heavy coverage puts transparency backers in the spotlight, engenders legislative commitments, and makes behind-the-scenes bids to weaken regulation harder to get away with. More than 90 countries have recognized the need for access to public information laws and have regulated its exercise. (Mendel 2009). The approval of these regulations, however, has not exclusively been the product of the will of politicians. The recognition of this right has been promoted by non-governmental organizations that, in some cases, have managed to build wider alliances that include professionals working in journalism and academia (Puddephatt 2009). Even after its formulation the laws i.e. Right to Information or Freedom of Information, it took many years to get effectively implemented as seen in the case of United States and United Kingdom. In United States the Freedom of Information Act was passed as a bill as early as in 1950's but its enactment took place only during 1966 only after prolonged campaign by the news media. (Sam Archibald 1993). The law began to function effectively only during the 1972–74 Watergate scandal that triggered a reform campaign largely driven by media pressure.

The story behind the formulation of the Mexico's "Federal Law on Transparency and Access to Public Government Information" which has been widely recognized as a regional and indeed global benchmark for disclosure regulation is a true testimony to the successful interface of media and the information acts. Similar to the U.S. FOIA, the Mexican law and subsequent reforms were enacted within the context of strong media campaigns and presidents who lacked control over the legislature. President Vicente Fox promised an FOI law during his 2000 campaign, but a robust reform initially appeared far from a foregone conclusion. A civic coalition and the **Grupo Oaxaca movement** comprised fewer than two-dozen academic experts and editors from the country's three largest newspapers, **Reforma, El Universal, and La Jornada** formed a coalition to support the FOI law. Using academics as news sources, the national Grupo Oaxaca publications produced voluminous coverage. The Grupo Oaxaca's publicity tactics sparked a credit-claiming contest between the opposition and government that bid up the quality and scope of an FOI law. The media wielded favorable publicity as a carrot for supporters and criticism as a stick against dissenters. Continual media interest in the FOI law and successive opposition-controlled legislatures since 2001 have led to incremental reforms, which culminated in a 2007 constitutional amendment. The reform set in place minimum standards for FOI regulation within all levels and branches of government. Former IFAI commissioner María Marván Laborde has revealed that because of the law's efficiency, top bureaucrats use it to acquire information about other parts of government. Mexico's FOI law has also helped to bring corruption to light. Journalist Fátima Monterrosa won a 2007 National Journalism Award by using the law to uncover a series of fraudulent procurement orders coming from the President's Office. (Open Society Justice Initiative 2006)

In the same manner the Monumental work of the **Access to Information Programme (AIP)** in Bulgaria has resulted in formulation of a strong FOI law and has ensured its implementation. Bulgaria was among the first FOI adopters in post-Soviet Europe, passing a law in 2000. Bulgaria originally enacted a moderately weak law. Agitation for FOI began early in Bulgaria, galvanized by the creation in 1996 of the Access to Information Programme (AIP), a dynamic organization composed of journalists, economists, and human-rights defenders. The AIP's 1997 statement of principles became a rallying point for

journalists. They began reporting their difficulties in accessing government information to the AIP, while the AIP delivered legal advice and opinions that served as fodder for news stories on FOI. An independent news media has provided impressive support for the cause: To date, AIP members have appeared on more than 1,100 television and radio shows. Nor has it hurt that one of the AIP's founders is the owner of Capital, a well-connected newspaper read by business elites. Largely thanks to the AIP and the media, FOI found its way onto the legislative agenda of Prime Minister Ivan Kostov's United Democratic Forces (ODS) following its landslide electoral victory in 1997. In the end, public pressure forced the ODS to act, albeit grudgingly. The government used its legislative clout to pass a questionable FOI law with little to no public consultation. The law provided an ambiguous definition of "public information," furnished no regulated administrative-appeals mechanism, and, alarmingly, subjected private media companies to disclosure obligations. Notwithstanding the law's weaknesses, demand for information exploded; in the law's first six months, the executive branch reported receiving more than fifteen-thousand requests. The law's success is mainly due to strong implementation. Committed bureaucrats and the AIP have ensured relatively strong compliance. Bulgaria has one of the world's highest per capita numbers of reported information requests, and about half its citizens know about the FOI law—a high figure for the region. The AIP is a cofounder of FOIANet, for example, a global network of more than five-hundred FOI professionals and almost two-hundred organizations.

As in the case of India the formation of **National Campaign for People's Right to Information (NCPRI)** was a landmark for the passing of Right to Information Act as well as its implementation. In 1996, MKSS members joined with the India Press Council to found the NCPRI and the same year sent the government a model FOI bill. The government delayed; however, denying the bill consideration until a 2002 Supreme Court decision forced its hand. The United Progressive Alliance decided to seize on the need for a strong RTI law as a campaign issue. When Congress won the elections in 2004 and put together a narrow parliamentary majority, it seemed as if the strong law would pass. In another surprising twist, however, party leaders tried to put the weak 2002 law into force instead. Advocates and media outlets raised the alarm. Aruna Roy, a founder of the MKSS and NCPRI, threatened to resign from her spot on the government's National Advisory Council. Sonia Gandhi, the Congress party's president, joined in backing a stronger law. The new government retreated under fierce press criticism, and by October 2005 the Right to Information Act had become law. The experiences of Mexico, Brazil, and India convey the extraordinary conditions required to pass and sustain strong FOI laws. The presence or absence of basic political preconditions, such as propitious legislative dynamics and a public-spirited news media, can help to drive laws forward or hold them back.

### Newspapers and RTI Act – The Implications

There is a primary difference between most of the laws / acts promulgated by the Government and the Right to Information Act. Most of the acts / laws are formulated by the Government or its executives to be implemented on the citizenry where as the Right to Information act is unique in the sense that it was formulated by the civil society and implemented on the Government machinery. Hence RTI act is basically empowers citizens of the country to question the every aspect of governance where public money and public interest are involved. The act itself designates the primary responsibility of giving publicity to the act on Government and its machinery. But various statistics on the expenditure incurred on the publicity of the act and experience indicates that very less money and efforts were put to publicize the act or take it to the grass root public. Thus the entire onus of the publicity of the act was taken up by the Indian media. Sensitization of the public on RTI act through press was regarded as an essential ingredient in the effective implementation of the act. As seen from various instances media across the world played an influential part in disseminating crucial information of the act as well as in utilizing the act for its journalistic purposes. Hence it was decided to study

the role played by the newspapers in publicizing the act as well as the impact and implications of news papers coverage on the readers. The study was limited to the YSR Kadapa District, Andhra Pradesh due to the research constraints.

### Objectives of the study

- To evaluate the role of the newspapers in generating awareness about the RTI Act in YSR Kadapa District, Andhra Pradesh
- To understand the impact of newspaper coverage on RTI activists i.e. the demand side.
- To evaluate the impact of news paper coverage on the Supply side i.e. Public Information Officers, Assistant Public Information Officers and Appellate Authorities under RTI act.
- To study the usage of the RTI act by the Journalists and the impact of RTI act on their reporting endeavors.

### Methodology of Study

A mix of both qualitative and quantitative methods was used to collect data for the study.

- The questionnaire method was adopted to elicit opinions on the impact of news coverage on the RTI users and RTI implementers. In-depth interviews were also conducted with the journalists working on the RTI beat in newspapers.
- A sample of 350 respondents was randomly selected through random sampling method from the total population of 1058 PIO's, APIO's and AA's designated in various departments in the district. The list is taken from the office of District Collector, YSR Kadapa District.
- The proactive use of RTI and experience in putting the Act to use, was considered in selecting the RTI users. Purposive, non-probability sampling method was used for selection of RTI users. The sample of RTI users was selected from the population of approximately 536 RTI applicants available in the Non Government Organizations like "Samachara Hakku Chattam Rakshana Vediaka & People against Corruption (PAC) working in Kadapa, Samachara Hakku Ikya Vedika, Badvel. The RTI applicants were also collected during the training sessions organized by the NGO's and awareness and training meeting conducted in Office of District Collector. The information of RTI Applicants was also collected from the Government Departments. The first three Government Department's i.e. Education, Revenue and Welfare, which received highest number of applications from the years 2010 to 2015, were selected for the purpose. Among the entire list of 536 RTI users, 250 RTI Applicants who are residing in YSR Kadapa District were selected on random basis.
- Interview schedule method was used to conduct in-depth interview with the 10 reporters covering RTI issues from the major district level news papers. The reporters were identified depending on the experience in reporting RTI beat and on usage of the act for professional or reporting endeavors.
- A questionnaire consisting of both open and closed ended questions in 'Telugu' was used to elicit opinions from the sample. Questionnaire was supplied to all officials by hand, post and e-mail.

### Results of the Survey

The following are some of the major findings from the survey on the impact of newspapers on RTI users and RTI implementers.

**Results from Survey of RTI Implementers (PIO's, APIO's & AA's):** A sample of 350 respondents was randomly selected through random sampling method from the total population of 1058 PIO's, APIO's and AA's designated in various departments in the district. Among them 328 responded to the questionnaires in which 301 were males and 27 were females. The following are some of the major findings

- 78% of the respondents felt that newspapers are the primary source of information for issues related to RTI Act.
- 68% of the respondents felt that they have known about the latest developments related to RTI, State Information Commission / Central Information Commission decisions and procedural information related application process through

news papers.

- 89% of the respondents felt that news papers are not covering the difficulties / constraints of the officials especially constraints related to their budgetary and infrastructural deficits.
- 100% of the faculty has attended the training programmes on RTI act conducted in the District Training Centre, Kadapa.
- 93% of the respondents indicated that they lack of sufficient infrastructural facilities like computers, stationary, adequate staff etc.
- 80% of the respondents indicated that they have very poor record management.
- 85% of the respondents attribute the reason for not furnishing information in 30 days due to information being held by different sources, 68% due to poor record management and 52% due to heavy work involved.
- 4.8% of the respondents were penalized for various reasons by the State Information Commission.

**Results from Survey of RTI Users:** A sample of 250 RTI users randomly selected from the total population of 536 was sent questionnaires. Among them which 239 members responded of which 232 are males and 7 are females. The following are some of the major findings

- 92 % of the respondents felt that newspapers are the primary source of information for issues related to RTI Act.
- 89% agreed that was newspapers were successful in providing information and guidance to the public on RTI Act.
- 89% of the respondents felt that Newspapers motivated them to apply for RTI act.
- 67% of the respondents felt that success stories related to RTI published in news papers were very motivating and were worth emulating.
- 86% of the applicants felt that Eenadu Daily Newspaper in Telugu, especially the RTI Special page 'Mundadugu' was very resourceful and informative due to its sustained approach. The reporting of news items related to RTI act in other regional, language news papers is 'episodic' and 'incident based' severely lacking in 'campaign mode'.
- 78% of the respondents indicated that the RTI Act as an effective tool for combating corruption.
- The majority of the applications 63% filed by public were on 'Community benefits and social issues'
- 53% of the respondents felt that level of transparency has increased in the Government offices especially at mandal and district levels.
- 89% agreed that was newspapers were successful in providing information and guidance to the public on RTI Act.
- 96% of the respondents indicated that their first priority for sending the RTI application is by post / courier, where as 35% indicated that they preferred to give the RTI application by hand directly in the PIO's office. None of the applicants preferred to send the application by e-mail.
- The most preferred method for payment of application fees is through Court fee stamps, followed by Postal Order, Bank Demand draft and finally through cash mode.
- 92% of the respondents felt that the information received is incomplete. 78% of the respondents felt that the information received is irrelevant.
- The primary reason for the applicants to go for appeal is due to lack of response from the public authority within 30 days followed by furnishing of incomplete / irrelevant information and finally due to high fees.

**Results from In-depth interviews conducted with Journalists:** The reports / journalists working in the district news papers who are experienced in reporting the issues related to and those who have used RTI for getting information for journalistic endeavors like investigative reporting and others are selected using purposive sample methodology. 10 Reporters i.e. 4 from Eenadu, one each from Saakshi, Andhra Jyothy, Vaartha, Prajashakthi and Visalandhra was selected. The following are some of the major findings

- 80% of the sample indicated that they have used the RTI act

for professional use i.e getting information needed for their journalistic purposes.

- 100% of the responders were of the opinion that RTI act is an effective tool for 'Investigative journalism'.
- 100% respondents felt that use of RTI act for getting necessary information for writing reports and feature stories is better than citing anonymous sources as the stories written using information obtained through RTI are more credible and authentic.
- 20% of the respondents felt that RTI act is helpful for them in day to day reporting activities
- 100% respondents were of the opinion that the Regional media especially language newspapers must support the RTI act as it more accessible to the readers
- It is interesting to note that Eenadu newspaper has encouraged journalists to file application under RTI act and get necessary information and publish exclusive investigative stories based on information received by RTI act under the heading 'Sahavijayalu'

### Conclusion

The survey clearly indicates there is a natural link between the media and the Right to Information act as it is mutually beneficial. On one side Media provided the much needed publicity to the act and on the other side RTI act has become an authentic source of information for journalistic endeavors. The interface between newspaper and RTI act was very crucial and played a pivotal role in formulating and coding of the Freedom of Information laws all over the world. The implications of the nexus between RTI act and newspapers is surfacing and is much evident today as information obtained from RTI act is getting attributed for more and more news items. The days are not far when RTI act occupies a permanent place in journalistic activities, education and media parlance.

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