
Media's Role in Implementing RTI

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Abstract: *The media could also use this Act to access information from the government and enable the large majority of people to procure the benefits of development programmes in India. The RTI is a powerful tool in the hands of the media to get the required information within a definite time period by applying for it. The right to information heralds a new age of investigative and authentic journalism. The role of media in propagating and using this legislation is significant. Success stories on how this Act has proved itself as a powerful tool need to be documented and published through visual and other media. The media can also play a crucial role in establishing a discursive space for public deliberations over various issues concerning the emancipation and empowerment of people. The media are most important contributors to freedom of expression and plurality of information in a democratic society. The media play an important role in constructively criticizing the functioning of government institutions (Parliament, Government, Supreme Court etc). With the RTI law this can be done in a better manner by the media. The media professionals have a great social responsibility of educating the masses about the Right to Information which has become a weapon for the common people and media as well. The media have the responsibility of facilitating mass awareness activities by using the Right to Information Act. They can also monitor the activities of various public authorities who are responsible for providing timely and adequate information to the people.*

1. PREAMBLE

The media are rightly regarded as the fourth estate of a democracy. Thomas Jefferson, former President of America had pointed out that press and other media are indispensable institutions in a democratic society. Mahatma Gandhi had called upon the media professionals to function as the voice of the people. He observes: "One of the objects of a newspaper is to understand the popular feeling and give expression to it; another is to arouse among the people certain desirable sentiments; the third is fearlessly to expose popular defects". Right to information means the right to access information held by government bodies and includes the right to inspect works, documents, records; take notes, extracts, or certified copies of documents or records; take certified samples of material and obtain information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.

The media have a definite role to play in the empowerment of citizens in a democratic society. Practically, the media have opened up the potential for new forms of participation in the affairs of the state. The access to information and accessibility of information has increased with the commendable expansion of media at various levels. The vulnerable and marginalized sections of the society actively used the media to make their voices heard through systematic use of Right to Information Act. The media provide information to the people about the policies and programmes of the government and non-government organizations which are required to function in a transparent, accountable and responsible manner. The role of media in the implementation of RTI Act is examined in this chapter on the basis of qualitative research methodology.

2. RTI AND MEDIA

The RTI act is an important law which has proved a very useful tool for common people and social activists to fight against corruption and to have a better control upon officers of various government departments and agencies. The RTI-activists have come forward to help people by obtaining information from different institutions relating to various administrative and developmental activities.

People have a fundamental right to information in a democracy. Right to information is an effective instrument of good governance. A popular Government, without popular information, or the means of acquiring it, is but a

Prologue to a Farce, or a Tragedy; or, perhaps both. Knowledge will forever govern ignorance; and a people who mean to be their own Governors must arm themselves with the power which knowledge gives according to Madison (1822). There is a well established relationship between right to information and good governance.

The intellectuals have identified the major characteristics of good governance such as - participation, rule of law, transparency, responsiveness, equity and inclusiveness, effectiveness, efficiency, accountability, strategic vision and consensus-orientation. Transparency means that decisions are taken openly and enforced as per rules and regulations. It requires that information is freely available and directly accessible to those who will be affected by such decisions and their enforcement. It also means that enough information is provided to all the stakeholders in easily understandable forms. The media are well known in the society as informal universities which feed and lead the mankind towards progress. The media institutions have a great responsibility of taking the government policies and programmes to the door steps of the people who matter most in a democracy. The media also have the obligation of facilitating meaningful participation in decision making processes.

The right to freedom of information has been recognized as a fundamental right in about 50 countries across the world. These nations are joined by a growing number of inter-Governmental bodies – including the World Bank, European Union and UNDP – that have established FOI policies. The right to FOI derives primarily from the guarantee of freedom of expression found in Article 19 of the Universal Declaration of Human Rights. It provides that all citizens enjoy rights of freedom of opinion and expression, including the right to “seek, receive, and impart information and ideas, a guarantee now generally considered to include an obligation of openness on the part of Government. The Constitution of India has guaranteed the freedom of speech and expression to all citizens which also deal with the right to information.

With the enactment of the national right to information law, there will be a change of culture in the country. The new bill will fundamentally change the power relationship between the citizens and the government. There will be a change in attitude from being .subjects to citizens. The Bill when it becomes an Act will help us to move towards good governance in the country. There will be a shift from the culture of secrecy to a culture of openness. This Act would send a strong signal to the political elite that things must change. The media should play the role of providing information support to the people to secure rights, development and good governance (Daruwala, 2005:04). The role of the media is to write about RTI in an educated manner. The media could also use this Act to access information from the government and enable the large majority of people to procure the benefits of development programmes in India.

The Right to information Act, 2005 seeks to establish that transparency is the norm and secrecy is an exception in the working of every public authority. It aims to ensure maximum openness and transparency in the machinery and functioning of Government at all levels: Central, State and Local. The Right to Information Legislation is very vital for the media. It encourages the media professionals to raise questions about the state of affairs and check the unmitigated goings-on in the public realm. Media intervention is encouraged by these acts to facilitate better transparency in public, professional, social and personal spheres. The right to communicate practically includes right to communicate through any media that is available to the people. The media have the social responsibility of finding the facts, placing the facts and facilitating active public debates and discussions on all matters concerning the welfare and progress of the people in a democracy.

The champions of right to information have strongly advocated that the public offices should not only hold information not for themselves as custodians of the public good but should make the information accessible to members of the public. The FOI laws reflect the fundamental premise that Governments ought to serve the people in order to promote effective democratic participation, control corruption, enhance accountability and good governance, and promote efficient information exchange between Government and the public.

Freedom of expression, free dissemination of ideas and access to information are vital to the functioning of a democratic government. Information is crucial for a vibrant democracy and good governance as it reflects and captures Government activities and processes. Access to information not only facilitates active participation of the people in the democratic governance process, but also promotes openness, transparency and accountability in administration (Centre for Good Governance, 2006:03). Thus, a direct relationship exists between the right to information and good governance.

3. RTI IN THE HANDS OF MEDIA PROFESSIONALS

The RTI is a powerful tool in the hands of the media to get the required information within a definite time period by applying for it. The right to information heralds a new age of investigative and authentic journalism. The media are the prime beneficiary of RTI as media personnel have the time to pursue information, use it and take it to its logical conclusion. The media have also highlighted the success stories on the implementation of RTI Act and created great awareness about the new legislation and its repercussions. The media have increased the awareness among the stakeholders of RTI on constitutional and legal framework for accessing information. The media are also sensitized about the role of providing information support to the people to secure rights, development and good governance.

Studies have reported that a majority of the people in the urban and rural areas are not fully aware of the salient features and provisions of the RTI Act, 2005 due to inadequate formal and informal awareness programmes in India. Most of the requests for information are received from the urbanites, politicians, advocates and media personnel. The role of media in propagating and using this legislation is significant. Success stories on how this Act has proved itself as a powerful tool need to be documented and published through visual and other media.

4. FUNCTIONS OF MEDIA

The media institutions provide a platform that enables government functionaries to operate efficiently, effectively and transparently and be accountable to the public who are the makers of democracy. Right to information is one of the core values of good governance and the media can make a real difference to the lives of poor and disadvantaged people in a civil society. The functions of media are identified by the scholars in their speeches and writings. Prominent among them include:

- 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,
- Helping to stimulate debate, educating the public on social, economic and environmental issues,
- Drawing attention to institutional failings – corruption, fraud, waste, inefficiency, cronyism, nepotism, abuse of power and the like,
- Fostering exchange of best practices, knowledge resources, access to better technology and to better choices,
- Creating pressure for improved government performance, accountability and quality, for example in service delivery; and
- Providing a discursive space for citizens to dialogue with other actors in the governance process.

The media have a definite role to play in the empowerment of citizens. It gives voice to the needs and aspirations of the people and provides them access to relevant information which is the master key to development. The access to information and accessibility of information has increased with growth of print and electronic media and the Internet. Thus, the vulnerable and marginalized sections of the society such as the poor, women, weaker sections and socially disadvantaged are also using the media to make their voices heard. Ambedkar had called upon the media to function responsibly as the voice of the voiceless in a pluralistic society like India. The media can also play a crucial role in establishing a discursive space for public deliberations over various issues concerning the emancipation and empowerment of people.

The World Association of Newspapers (WAN), the global organization of the world's press has long argued that a free and unfettered press is a positive force for accelerated and equitable socio-economic development. It held that the predominance of free and independent press accompanies economic growth and human development. Nobel Laureate, Amartya Sen has even established a link between media and development of people. The media institutions are required to function effectively as watchdogs of public interest and facilitators of development (Lohia, 1957:09). A free and responsible media can facilitate the development of the people rather than a controlled media.

The significance of the right to information is duly emphasized by the Article 19 of the Universal Declaration of Human Rights adopted by the United Nations states: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." The short section on media in the Plan of Action (C.9) states that media have an essential role in the development of the information society. The media are most important contributors to freedom of expression and plurality of information in a democratic society.

The RTI is an integral part of the fundamental right of freedom speech and expression as guaranteed under Article 19 1(a) of the Constitution. The Supreme Court of India in several decisions has emphasized this fact. Besides being a fundamental right, RTI is also a human right as spelt out in the Universal Declaration of Human Rights (UDHR) in 1948, International Covenant on Civil and Political Rights and other European and American Human Rights Conventions. The State and national RTI legislations are more expansive and restrictive than the right to freedom of speech and expression. They are more expansive because the right to freedom of speech and expression can be enforced against the State alone whereas the MRTIA has made it clear that this right can be enforced against other bodies as well including NGOs, trusts (registered under Bombay Trust Act), societies (registered under Societies registration Act), co-operative societies and trade unions. On the other hand, the right to information legislations are restrictive in comparison to Article 19 1(a). People mean informed people. If people are to become rulers in place of authoritarian regimes then they must be well informed (Sawant, 2005:14). The jurist has amplified the need for free information in a democracy.

Therefore, an informed citizenry are the back bone of a democracy, a citizenry who make informed decisions, question decisions taken and participate in the day-to-day functioning of society and government in an effective manner. Democratic rights include the right to participate; this is not possible where citizens do not have access to authentic information, which would enable them to perform this role.

The media and ordinary citizens have equal access to information under the act. This is provided for in the Constitution in the form of Right to Equality (Article 14). The media is the prime beneficiary of RTI as media personnel have the time to pursue information, use it and take it to its logical conclusion. The media have a crucial role to play as a constructive opposition in a democracy and not as an adversary of Government. The media personnel must sensitize the administrators about their style of functioning and suggest appropriate changes for improvement of governance. The independent institutions like the media (though, the media may not be independent in all cases) can play an important and constructive role in the long-term well being of the nation and is the only entity within the state equipped to play such a role.

With the right to information on their side, the media need no longer depend on questionable sources of information, and can use RTI Act to access credible and authentic information. This legislation is a powerful tool in the hands of the media to get the required information within a definite time period by applying for it. The right to information heralds a new age of investigative and authentic journalism in India.

5. A NEW PARADIGM SHIFT

The new central RTI legislation will create a paradigm shift creating a feeling of trust between people and the State and a harmonious relationship between them. Indian politics has become adversarial and acrimonious; the right to information could reduce this to a large extent. There is a need today to sensitize and educate the bureaucracy entrenched for years in a culture of secrecy. The RTI law lays emphasis on proactive disclosure of information. The media have three important functions to play. They are to inform and educate the people about RTI; to generate debate; and to disseminate a democratic culture of tolerance towards alternative points of view. The media play an important role in constructively criticizing the functioning of government institutions (Parliament, Government, Supreme Court etc). With the RTI law this can be done in a better manner by the media (Sathe, 2005:13).

The Right to Information regime has enabled the media to cater to the needs of people in times of peace, crises and disasters. It has also enabled the media to expose mal-administration, corruption and inefficiency and to propagate stories and instances relating to accountability, transparency, effective administration and good governance. By using the RTI Act, the media institutions can play an important role in highlighting issues related to public service

delivery and the efficacy and accountability of public officials. The RTI Act, 2005 offers several advantages to the media.

The Right to Information Act has been enacted recently and is a paradigm shift in administration. It is a path-breaking legislation which signals the march from darkness of secrecy to dawn of transparency. It lights up the mindset of public authorities, which is clouded by suspicion and secrecy. The effective implementation of the Right to Information Act will create an environment of vigilance to promote functioning of a more participatory democracy. But in a democracy in which people govern themselves, it is necessary to have more openness. In the maturing of our democracy, right to information is a major step forward; it enables citizens to participate fully in the decision-making process that affects their lives so profoundly. A lot more needs to be done to usher in accountability in governance, including protection of whistle blowers, decentralization of power and fusion of authority with accountability at all levels (Second Administrative Reforms Commission, 2006:15).

The Public Information Officers are duty bound to furnish the information to the media and general public's on the system, process and operations concerning the central and state governments. The officers concerned should implement the provisions of RTI Act 2005 and facilitate transparency and accountability in the interest of people of India (Tolia, 2007:19).

The media have become prominent sources of public communication and public opinion formation over a period of time. The RTI Act 2005 enables the media to obtain and disseminate the information on various governmental activities and strengthen the foundations of democracy. The media professionals have a great social responsibility of educating the masses about the Right to Information which has become a weapon for the common people and media as well.

The media have used this act in a more professional style than a common man as far as seeking of information is concerned under RTI. The act has given great opportunity to reporters to collect information from various offices to create exclusive or analytical stories. The act has certainly moderated the working culture and office environment of government offices and has imposed a kind of control on officers and other people in the government offices. The utilities of RTI have motivated educated and intellectual class of societies to discuss this issue. However, the misuse of this act has also been realized and observed by the responsible officers (Singh, 2010:17).

Recently, the Central Information Commission observed that the print and electronic media cannot be declared as a public authority but a particular media house can be declared as a public authority if it fulfills the conditions of the RTI Act. The Commission further held that the media cannot be treated as a public authority as they are from corporate sector.

The Right to Information is a democratic tool to bring in transparency and accountability. It is also an effective tool in the hands of media professionals. The social activists have gained an upper hand over the media professionals in the utilization of RTI Act in India. The activists have used the act to expose the export of PDS rice to foreign countries by private companies in connivance with government officials and foreign jaunts by ministers and junketeering by bureaucrats causing loss to the exchequer. The information was also obtained through use of the RTI Act to expose misappropriation of public assets or prejudice in government functioning (Moudgil, 2011:10).

There are studies of media reporting of Freedom of Information and Right to Information across the globe. There is a discernable change in the way media reported on government agencies and these issues. This is an important time of transition in which media perception of RTI and access to government information is changing. Notably, there seems to be a discernable shift away from a perception of FOI as 'a concept which was broken' to an attitude of optimism toward the RTI reforms (Kinross, 2011:07).

6. VIBRANT MEDIA ACTIVISM

The media, being the fourth state organ, shoulders the responsibility to make the state accountable and transparent. The media's role and significance of empowering the public about legal advantages of Right to Information (RTI) as an anti-corruption weapon has become all the more important. The RTI law has given a greater and wider space for the media to play in empowering people and consolidating a democratic polity. The media have opened up the closed doors to transparency and accountability by disseminating information about RTI to secure people's fundamental right to know.

The vibrant media activism has revealed series of stories of corruption and misuse of the taxpayer's money concealed in many government documents and reports. The media seems to have done much less than what it could have actually achieved in the last five years. Since the law has huge potential to expose corruption and enhance public transparency, the government bodies do not yet appear proactive in implementing the law. The media can perform a crucial job of raising the people's awareness about keeping a close watch on RTI implementation. This inalienable relationship between the media and RTI provides reciprocal advantages (Bhattara, 2013:02).

The Right to Information has enabled the media to play the role of an important contributor to freedom of expression and plurality of information. The media provide the public sphere of information and debate that enables social and cultural discourse, participation and accountability in a democratic society. The media can play a crucial role in building an inclusive Information Society based on acquisition of knowledge, transfer of knowledge and expansion of knowledge in a democratic environment. The new RTI regime can enable credible, evidence-based and factual reporting on key issues of good governance and democratization of development in modern information environment.

Journalists have used the RTI as a tool to collect information. Shyamlal Yadav filed over 1800 RTI applications to gather information for his investigative stories. He found that 71 out of the 78 ministers of the UPA government had made a total of 786 foreign trips over a three and a half year period at government expenses. This raised considerable public interest and gained a lot of media attention, eventually prompting the Prime Minister to write to the ministers asking them to curtail foreign travel expenditures. These examples and other case studies suggest that the RTI Act has been used in an innovative way by individuals and citizen groups seeking a range of information on government schemes, development projects, benefits and entitlements (Surie and Aiyar, 2014:18).

The media can demand the information from various government agencies regarding the implementation of welfare programmes. They can also obtain the photocopies of Government contracts, payment, estimates, measurements of engineering works etc. They can procure the certified samples of material used in the construction of roads, drains, buildings etc from the government departments. They can inspect any public development work that may be still under construction or completed. They can peruse the government documents - construction drawings, records books, registers, quality control reports etc. They can also receive action taken reports on various inquiries and developmental works. They can provide timely and relevant information to the activists and other agencies to facilitate corruption free development activities. The media serve as a link system between the government and society and play a crucial role as instruments of good governance.

The Right to Information Act, 2017 in Sri Lanka ushered in a new era of free flow of information and access to verified, authenticated and timely information from the government, rather than on hearsay. The people have the right to seek and obtain information legally and the government is duty bound to give such information. The media have also gained new opportunities to conduct investigative communication on the basis of better access to information on the functioning of government organizations. There is a paradigm shift in governance because of the RTI Act in the country (Perera, 2016:12).

The Right to Information provides citizens the opportunity of being informed of the Governments actions. The people can take active part in the affairs of the society if they enjoy the benefit of access to information. The Right to Information has also facilitated active participation of the people in the democratic governance process. The media can play a constructive role in the governance process by acting as a catalyzing agent for the implementation of the core provisions of the Act. The media's freedom to obtain information and create an enabling environment enriches the process of democracy. The media can also play the role of an honest broker of information for its audience by providing useful information to the people on all aspects of empowerment through an Information Society.

The media serve as a bridge between the government and society by using the Right to Information Act which promotes openness, transparency and accountability in administration. The role of media organizations assumes considerable importance in realizing the objectives of the RTI Act. It enables the media to play an important role in monitoring public service delivery by invoking provisions under the RTI Act. Thus the media performs an important role in the governance process by acting as a bridge between the community and public agencies.

The RTI act has helped Indian journalists unearth the most sensitive, important and hidden data to break major stories. The RTI has encouraged citizens, journalists and activists to question the state of affairs and government policies. It has the power to promote accountability and can be used as tool to collect trustworthy information especially because press freedom is not adequate in India. The media are required to visualize and explore the information hidden in documents which were never in public domain. The Indian media has not done enough to explore the RTI Act and it has a long way to go (Khan, 2017:06).

Studies have revealed that the objective of the Act to usher in a practical regime of right to information cannot be attained without a proactive role played by the media. They have reported that media can monitor the implementation of various development projects, investigate the corrupt practices, sensitize the stakeholders of development, persuade the social activists to fight against injustice and empower the marginalized sections of society. The media can access the information and prepare grounds for democratic struggle for good governance in modern society.

The media can make a real difference to the lives of poor and disadvantaged people by making them more aware of their rights and entitlements and enabling them to have access to government programmes, schemes and benefits. The media also helps in drawing attention to institutional failings – corruption, fraud, waste, inefficiency, cronyism, nepotism, abuse of power and the like. It fosters exchange of best practices, knowledge resources, access to better technology, and to better choices. A discursive space for citizens to dialogue with other actors in the governance process is also provided by the media in a democratic society.

RTI is a very important tool for journalists, especially in a country like India where the Press is not absolutely free. The journalists can use RTI to get relevant information from the State and Central Governments. It mandates timely response to any citizen seeking information from the government. The Press Council has stated that the Right to Information Act is vital for the media and its endeavor to be a watch dog of the society. There is direct relationship which exists between RTI, informed citizen and fair governance. Right to information gives citizen an opportunity of being informed (Paul, 2017:11).

The media gives voice to the needs and aspirations of the people and provides them access to relevant information. The media have a definite role to play in the empowerment of citizens. The media have opened up the potential for new forms of participation in various nation building endeavours. The media play a decisive role in establishing a discursive space for public deliberations over social, economic, political and cultural issues. The media can be a critical factor in facilitating sustainable development and inclusive development of the marginalized sections of society if they gain access to information sources and resources through the RTI Act.

Transparency and accountability are the two most indispensable anchors of any institutions which enhance social integration by allowing individuals to cooperate to achieve some common purposes. The Central Information Commission is one such formal institution which ensures transparency and accountability of the government officials and we have the right to exercise it through Right to Information (RTI) Act, 2005. The media is an informal institution which plays a monitorial role among different organs of the state and society. The Act helps the media to uncover the maladies and flaws prevalent in the various organs of the government. The media are playing an important role in analyzing the failure of government organizations regarding the transparency, accountability and good governance which protect public interest (Kumar, 2017:08).

The media engagement is a must to bridge the decade's old communication gap between public and Government. The media engagement is inevitable to flourish Right to Information Act and make democracy effective in the country. The RTI could be used to trace the weaknesses in the administration by documentation in order to make people remain vigilant and use the instrument to make the government accountable. The Right to Information Act, 2005 has helped to expose some of the most infamous scams in the history of India through active media intervention (Habibullah, 2017:05).

The information and broadcasting ministry's social media communication hub analyzed citizens' accounts, posts and sentiments on social media much before its plans came under Supreme Court scrutiny. The Union Ministry of Information and Broadcasting withdrew a tender through which it wanted to hire an agency to monitor social

media accounts of citizens. The Supreme Court had warned that the plan could lead to India becoming a surveillance state (Shrivastava, 2018:16). The RTI has enabled the citizens, media professionals and social activists to obtain necessary information about the administrative and developmental functions and obligations of the government organizations and check the menace of corruption and manipulation of various governmental agencies.

Media both print and electronic have played a limited role in Bangladesh in highlighting the RTI law and giving it the right exposure it required in the early years of implementation (Baroi, 2018:01). The media are required to highlight the institutional failures and create the right framework of incentives for good governance. Free and responsible media is integral to good governance. The media should expose corruption and malpractices and help build public consensus to bring about suitable changes and modifications in the public administration.

The media should monitor basic public service delivery and promote human development through investigative and advocacy comments and criticisms. Scholars have pointed out that active media serve as watchdog of the government and the corporate sector in modern times. The media require free and right environment in terms of good governance and welfare centric administrative and developmental endeavors.

7. CONCLUSION

The media are recognized as the 'fourth pillar of democracy' since they provide meaningful linkage between the government and society. The media act as the watchdog of public interest and create an enabling atmosphere for the effective implementation of various development programmes. The media play a responsible role in monitoring implementation of the Act, reporting on the effectiveness and efficiency of public service delivery, highlighting corruption and fraud related issues and contributing for good governance in modern times. The media have the responsibility of facilitating mass awareness activities by using the Right to Information Act. They can also monitor the activities of various public authorities who are responsible for providing timely and adequate information to the people.

The media can protect the freedom of expression of the people on the basis of professionalism and professional independence. The electronic media have failed to fulfill their professional obligations in protecting the media pluralism and cultural diversity. The electronic media have to go a long way in creating awareness among the masses about the right to information laws, transparency, accountability and responsiveness of government organizations through effective use of information disclosure.

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