

Role of Media in Promoting Good Governance

Lal Babu Yadav

Tribhuwan University, Kathmandu

"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"-Mahatma Gandhi.

The foregoing statement by Gandhi explains the importance of media in upholding freedom, and in expanding education and social reforms and change. Media can inform people giving them the voice to be heard and heeded to. Democracy requires that people should have the right to know the activities of the government, especially the decision of the government that affects their life, liberty and property. Information is important for people to make choices regarding their participation in the State, the market and the civil society. Sufficient information helps people to decide rationally and take the right course of action beneficial to them. Media-both print and electronic-thus helps people to know what is happening around the world, socialize them with the values of pluralism and equip them with the elements of modernity. By publicizing information the media also make public services more responsive to the people.

A responsible media equally helps in socialization of people into citizenship, democratization of the State and political society, institutionalization of civic culture through unfettered flow of information, and rationalized use of power in social relations. In a nascent democracy like Nepal, media can also help voters with the contents of civic and political education and strengthen the culture of democracy. This is the reason political scientist Karl Deutsch has called that the system of communication proves a "nerve of the polity," and any breakdown of the nerve may cause dysfunctional impact in the performance of the polity causing governance decay.

Realizing this the Article 16 of the Constitution of Nepal 1990 says:; every citizen shall have the right to demand and receive information on any matter of public importance". This implies that the right to information has become a human and constitutional right of the Nepalese people. The denial of this right can be contested under Article 23 of the constitution. The Supreme Court of Nepal under Article 88(2) holds tremendous power to enforce this right. This suggests that free access to information on matters of public importance has become a core of the governing process. In fact, the key element of good governance postulates three essential features: legitimacy; accountability and transparency-the last element being the core basis of media culture.

This article deals with three sections: The first section deals with the elements of good governance. The second section elaborates the right to information as a key to good governance in Nepal. The third one deals with the precondition for media freedom and

media culture in Nepal. The last section draws a brief conclusion presenting a synthesis of the whole analysis.

Right to information as a key to good governance in Nepal: Governance is conceived as the capacity of the state, the market and the civil society, media included, "to sustain itself under the constitutional setting" in order to move "towards avowed goals, reduce the inherent cleavages among social, cultural, ecological and political systems and communities, concert sound policies, mobilize resources and maintain the sufficient level of legitimacy, transparency, credibility and accountability before the public". A governance that steers in normative order to achieve its goals-law and order, human and national security, voice and participation and the promotion of public goods is called good governance. The World Bank defines: " Good governance is epitomized by predictable and enlightened policy making; a bureaucracy imbued with a professional ethos; an executive arm of government accountable for its actions; a strong civil society participating in public affairs; and all behaving under the rule of law". "Transparency guarantees, including the right to disclosure, can thus be an important category of instrumental freedom. Limiting the powers of the State by providing the citizens the fundamental and human rights. Article 12 of the constitution guarantees the right to freedom. These freedoms include:

- Personal liberty under law of the land and abolition of capital punishment;
- Freedom of opinion and expression;
- Peaceful assembly;
- Freedom to form unions and organizations;
- Freedom to move and reside in any part of the country and
- Freedom to practice any occupation, profession, trade and industry.

But these freedoms do not limit the sovereignty of the State to legislate and act if they lead to chaos and anarchy and undermine:

- the sovereignty and integrity of the Kingdom of Nepal;
- jeopardize social cohesion or harmony among the people;
- facilitate into an act of sedition, defamation, contempt of court, instigation of offense, and
- act contrary to decent public behavior or morality.

The State can formulate laws and acts to constitutionalize the behavior of citizen and help them in conforming to the ideals of constitutional patriotism implying a kind of balance between the public order and individual freedom. Similarly, Article 13 provides provisions for press and publication right so as to make the functioning of governance as transparent as possible. This is the way to bring the institutions of governance closer to the people and allowing them to make choices on public and political matters. Article 13-1 clearly stipulates that "no news item, article or other reading material shall be censored". Similarly, clause 2 and 3 provide that "no press should be closed or seized for printing any news item, article or other reading materials", and "the registration of a

newspaper or periodical shall not be canceled merely for publishing any news item, article or other reading material."

These provisions suggest that there is freedom to the press and publication. But again they are subjected to the vision, spirit and principles of the constitution. The arrangement tries to set an equilibrium between the sovereignty of the people to enjoy their press and public right and the sovereignty of the state to make laws so that citizens do not violate the sovereignty and integrity of Nepal, create disharmony in the society and disobey the laws of the land. This suggests that rights are tied with duties and accountabilities.

Article 16 of the constitution of Nepal provides also the right to information. It says: "every citizen shall have the right to demand and receive information on any matter of public importance". This article establishes that: # Citizens are not the passive spectators of politics but they are active participants; # The government should be transparent in most of its activities and decisions related to the public except in areas of 'secrecy as demanded by law'; # Institutions of governance should be accountable to the people and; # Free flow of information should be ensured so that the legitimacy of the government is established before the eyes of the public.

The constitution has thus established three critical elements-rights to freedom, press and publication right and the right to information-a crucial ground for good governance. Media as a key component of the civil society is testing the rights given to them in public affairs. The question then arises: Is the right to information context free? And closely connected to this question is : Are the available acts sufficient to provide the public access to information on matters of public interest?

The second question can hardly be answered in a definite tone, but the first question can be answered clearly in a negative light. Knowledge about the right to information is not context free. In Nepal where public literacy is just about 40 percent and functional literacy is about its half, one can easily guess how many people know about their fundamental rights and duties. Secondly, like per capita income, the instruments of media are unevenly distributed among the various geographic regions. The access to media of the people of Far-Western region and remote districts is virtually nil. This means they are less "visible" in policy and decision making affairs. Thirdly, the pervasive poverty syndrome of the Nepalese society and mal-development of the nation as a whole reflect certain imbalance. While Kathmandu and some areas are debating the ""globalization", and "information highway" and the links of the ""web-society"" to outside world, the rural public in general debate the mundane matters, such as the basic needs, education, primary healthcare and irrigation.

The exploitative nature of the urban class has thus dissociated itself from the "diffusion effects of modernity" and, consequently, concentration of power, resource and communication implies a poor linkage with the life of ordinary citizens. Fourthly, the Information bill, which deals with comprehensively information access, is still pending in the parliament and has yet to be passed as an Act for legislative action. Fifthly, while the government media are controlled by the party in power and tend to produce "biased news

and views", majority of private media are run by individuals, business tycoons and politicians which articulate "private and partisan news and views", and therefore, fail to illuminate and enlighten the public. Any reader of George Orwell clearly knows what the Ministry of Information means. This means that media must act as a "public sphere", aimed to educate the people. Only then the people can be socialized into "citizenship" and then finally into "public" that is capable of making governance transparent and accountable.

Preconditions for media freedom and media culture in Nepal: In Nepal there is still dearth of empirical research to clarify whether: a) media have promoted freedom in the country; b) media have promoted education; c) media have curbed corruption; d) media are owned by independent persons; e) there is a real competition among media for content improvement and quality and; f) media have broadened their reach to capture the diversity and complexity of Nepalese life and provided access to public information. There are however, seminar proceedings, official compilations and secondary source data that suggest that the "magnitude" of media access and content coverage have grown in size and dimensions. But, what does it mean for the majority of the rural poor? Has their income increased to have access to media?/ This brings us to a pause. In Nepal, the formulation of laws also does not mean much unless material resources, hardware, human development and training to enable the people to participate in knowledge-based economy support it. This means right to information is connected to "political power, authority, resources and institutions", especially those institutions like courts which protect citizen's fundamental rights. In the right to information invoked by citizens regarding privatization of industries, Arun III, and appointment of Ambassadors by the late King without the recommendation of the cabinet, the court versions of justice appear very confusing. The role of the press regarding "event-provocation" rather than objective reporting and promotion of business interest constitutes another issue. The politicization, polarization and sectoralization of Nepalese media culture suggest that the "code of ethics" must be brought out so that media does not indulge in the "manufacturing of consent" as Noam Chomsky said and become an instrument of assimilation, power, domination and indoctrination. But, it should help in "democratic will-formation", public opinion and enlarge the sphere of the public to rationally debate, argue and reach conclusion for social change. Associated with the "code of ethics" is that media persons should be given proper training on democratic principles so that they do not violate the laws of the land and the "life-world" of the nation. Only a media culture rooted in the public life of the nation can adequately articulate the right to information, which is also the essence of good governance.

Conclusion:

Freedom of citizens, a free and responsible press, an independent judiciary and government's data information are the system which can be perceived to be the key to the enhancement of right to information and make the institutions of governance transparent and accountable. The right to information, guaranteed rights and press and publication right are three vital means for establishing "open society" visualized by the Nepalese constitution. An information Act must be brought out as soon as possible both to help in

the way of freedom of information, enforce the accountability of information as well as to endow substance and quality in democratic debates so that citizens can monitor the day to day functioning of public institutions and actors. The right to information is closely tied to the accountability mechanism, for monitoring every action of government which leads to good governance, places the dominant actors of governance-the state, the market and civil society in balance, and monitors their performance as per the boundaries for action defined for them. Media thus perform vital tasks of informing, socializing, communicating and articulating the power of the public and preparing them for social transformation and good governance.

Paper presented by the author at a Telegraph Weekly/FES national level media seminar on December 20, 2001 in Kathmandu-Chief editor.