



## **GOVERNMENT OF KERALA**

# **DETAILED IMPLEMENTATION PLAN FOR MODERNISING GOVERNMENT PROGRAMME**

**INFORMATION AND  
PUBLIC RELATIONS DEPARTMENT  
ANNEXURE-7**

**G.O (MS) No.345/03/GAD dated 26/11/2003**



## IV.4.1 Right to information Act and Rules

Theme

CORE GOVERNMENT FUNCTIONS

Sub theme

INFORMATION MANAGEMENT

Lead Agency

Department of Information and Public Relations

### 1. Background

Over the years, the right to information has come to be recognised as an important human right. While in developed countries, this right is almost treated as natural, given the socio-economic frameworks, developing countries are still not anywhere near to the realisation of this right. Along with the rights of having access to minimum standards of living food, housing, education, health, work, social security it is now realised that the right to information is as much a part of this list of inalienable rights of citizens. If human poverty is now seen in terms of a denial of fundamental human rights, then denial of information therefore logically subjects the individual to a state of poverty. The right to information as a human right is both an output of and an input into the human development process.

The enactment of the Right to Information Act seeks to give this right the status of a legally enforceable right. However, clearly for the scope of the Right to Information Act, there are several classes of information, which cannot be made available to public scrutiny. Some are listed below

1. Those relating to defence security;
2. Where disclosure will prejudice the security, integrity and sovereignty of the nation and the state;
3. Which would harm the conduct of international relations or affairs;
4. Those received in confidence from foreign governments, foreign courts or international organisations;
5. Those whose disclosure would harm the frankness and candour of internal discussion, including, Proceedings of Cabinet and Cabinet committees, internal opinion, advice, recommendations, consultation and deliberation; projections and assumptions relating to internal policy analysis; analysis of alternative policy options and information relating to rejected policy options; and confidential communications between departments, public bodies and regulatory bodies;
6. Information relating to confidential communications between Ministers and the Governor;
7. Information whose disclosure would prejudice the administration of justice, including fair trial and the enforcement or proper administration of the law;
8. Information whose disclosure would prejudice legal proceedings or the proceedings of any tribunal, public inquiry or other formal investigation (whether actual or likely) or whose disclosure is, has been or is likely to be addressed in the context of such proceedings;
9. Information covered by legal professional privilege;



10. Information whose disclosure would prejudice the prevention, investigation or detection of crime, the apprehension of offenders;
11. Information whose disclosure would harm public safety or public order;
12. Information whose disclosure would endanger the life or physical safety of any person, or identify the source of information or assistance given in confidence for law enforcement or security purposes
13. Information whose disclosure would increase the likelihood of damage to the environment; or rare or endangered species and their habitats;
14. Information whose disclosure would harm the ability of the Government to manage the economy, prejudice the conduct of official market operations, or could lead to improper gain or advantage to any person;
15. Information whose disclosure would prejudice the assessment or collection of tax, duties, or assist tax avoidance or evasion;
16. Information including commercial confidences, trade secrets or intellectual property whose unwarranted disclosure would harm the competitive position of a third party;
17. Information held in consequence of having been supplied in confidence by a person who, gave the information under a statutory guarantee that its confidentiality would be protected; or was not under any legal obligation, whether actual or implied, to supply it, and has not consented to its disclosure.
18. Information whose disclosure is prohibited under any enactment, regulation or international agreement;
19. Information whose release would constitute a breach of Parliament/ Legislative Assembly/Council Privilege;
20. The documents excluded under the Indian Evidence Act, 1872;
21. Any matter which is likely to help the commission of offence, help or facilitate escape from legal custody or affect prison security; or impede the process of investigation or apprehension or prosecution of offenders

The Kerala Right to Information Bill is in a draft stage. It is to be introduced in the Legislative Assembly. Government of India have enacted 'the Freedom of Information Act 2002' on 6<sup>th</sup> Jan 2003. The objectives of the proposed Kerala Bill are covered by the Central Act.

State Governments have been given powers to make rules to carryout the provisions of the Act. The Act provides appointment of Public Information Officers for the purpose rendering assistance to persons seeking information. There are provisions for appeal if a person is aggrieved by a decision of the Public information Officer.

## **2. Objective**



- ↑ To ensure that public information is available to the people of Kerala as an enforceable right and in the process to make Government more transparent, open to public scrutiny and thereby more efficient.

### 3. Clients

- ↑ Citizens

### 4. Outcomes

#### **Outcome 1 (OC1) Informed Citizens on Governance Information**

**Lead Agency** Department of Information and Public Relations  
**Support Agencies** Concerned Departments

**Indicator 1** Perception rating on awareness levels of Citizens Information entitlement  
 Phase 1: 40%, Phase 2: 30%, Phase 3: 30%  
 Phase 1: Apr-2007, Phase 2: Apr-2008, Phase 3: Apr-2009

### 5. Outputs

#### **Output 1 (OP1) Right to Information Act and Rules**

**Lead Agency** Department of Law  
**Support Agencies** Department of Information and Public relations

**Indicator 1** Enactment of legislation  
 Target Timeline Apr-2005  
 Outcomes addressed OC1

#### **Output 2 (OP2) Initiatives on awareness creation on information entitlement**

**Lead Agency** Department of Information and Public Relations  
**Support Agencies** Other Concerned departments

**Indicator 1** Reach of Publicity  
 Target Timeline Phase 1: 60%, Phase 2: 20%, Phase 3: 20%  
 Phase 1: Oct-2006, Phase 2: Oct-2007, Phase 3: Oct-2008  
 Outcomes addressed OC1

#### **Output 3 (OP3) Information Centres to handle information delivery**



**Lead Agency** Department of Information and Public Relations  
**Support Agencies** General Administration Department

**Indicator 1** **Target** No. Of. Public Information Officers  
 1 officer in all department/1 officer in each district for dissemination  
**Timeline**  
**Outcomes addressed** OC1

## 6. Action Plan

No.	Activities	Responsibility	Milestone	Output Ref	Time Frame	
					Activity Start (m m /yy)	Activity Completion (m m /yy)
1	Enact Legislation <sup>s</sup>	Department of Law	Legislation in position	OP1	Apr-04	Apr-05
2	Undertake publication of the law	I & PRD		OP1	May-05	Jul-05
3	Prepare a campaign plan covering: Campaign strategy (audience, Themes, message, material, methodology (street plays, stage programmes, ad films, phone-in programmes, radio spots, slides), exposure (campaign frequency for themes), Media Plan, material (booklets, brochures, posters), Budget, Timelines), Community participation programmes, activity owners, Selection of Campaign execution agency and co-agencies	I & PRD		OP2	Dec-03	Apr-05
4	Approve Plan	Department of GAD	Approval of the plan	OP2	May-05	Jun-05
5	Sanction Funds	Department of Finance		OP2	Jun-05	Jun-05
6	Sensitise/train participating agency	I & PRD		OP2	Jul-05	Sep-05
7	Implement campaign activities and establish a central co-ordination cell (mechanism) to sustain the changes	I & PRD		OP2	Jul-05	Oct-09
8	Evaluate campaign reach & effectiveness in six phases	I & PRD/ External Agency	Effectiveness of the campaign reach evaluated	OP2	Nov-06	Oct-09
9 <sup>a</sup>	Obtain periodical feedback and relevant course correction	I & PRD		OP2	Jul-05	Jul-05

\* Activities numbered 3 & 10 depend on the completion of this activity. The time intervals for the following activities after 3 & 10 could be taken as the planned timelines depending on the completion of this activity



No.	Activities	Responsibility	Milestone	Output Ref	Time Frame	
					Activity Start (mm/yy)	Activity Completion (mm/yy)
10	Appoint Public Information Officers (by way of redeployment) (both for collection of information from departments and dissemination of information to public, Central co-ordination cell for information centres)	I & PRD/other Departments	Appointment of PIOs; One Additional director Two Deputy Directors Two Information Officer One programmer Two D,T,P Operators Two Peons 15 Asst. Information Officers One Vehicle (Out Source)	OP3	Jul-05	Jul-05
11	Provide communication, physical infrastructure	I & PRD		OP3	Jul-05	Jul-05
12	Formalise the mode of information collection from the departments: Typical Information requirements (E.g.: Knowledge of the procedures, rules, status of applications, grievance redressal, campaigns for Public), Classification of information sources (central, regional, zonal, local), standard formats for information collection, mutually evolved periodicity of collection of information, process of escalation for on non-availability of information	I & PRD	Formalisation of mechanism for information collection	OP3	Dec-03	Jul-05
13	Formalise the mode of dissemination of information: Choices of media: Portals and Kiosks (E.g.: Akshaya), Posters, etc., Information dissemination presentation, query and status monitoring facilities, record of grievances etc.	I & PRD	Formalisation of mechanism for information dissemination	OP3	Dec-03	Jul-05
14	Institute a mechanism to review the functioning of information centres: information collection officers, dissemination officers, central co-ordination cell	I & PRD	Institution of review mechanism	OP3	Dec-03	Jul-05
15	Review the change in information requirements from time to time, suitability of the presentation media for information dissemination and make course correction	I & PRD, External agency		OP3	Nov-06	Apr-09
16	Institute a joint committee with departments, personnel from DIS to review the availability, accuracy and timeliness of information and make changes in the processes if necessary	I & PRD	Constitution of a Joint committee	OP3	Dec-03	Jul-05
17	Institute a mechanism to have citizen cells to monitor the functioning/effectiveness of the information centres and provide feedback	I & PRD	Constitution of citizen cells	OP3	May-05	Jul-05
18	Institute a mechanism for information co-ordination with media	I & PRD		OP3	May-05	Jul-05

‡ An ongoing activity and the timeline indicates only the commencement of the activity



No.	Activities	Responsibility	Milestone	Output Ref	Time Frame	
					Activity Start (m m /yy)	Activity Completion (m m /yy)
19 <sup>†</sup>	Make course correction based on the feedback from various mechanism and fine-tune the process	I & PRD	Commencement of course correction	OP3	Jan-06	Jan-06

## 7. Risks

<b>Risk 1</b>	<b>Groups with vested interests may oppose information sharing</b>
(Probability, Severity)	(Low, 3)
Mitigation	Sensitisation and creating a public opinion in favour of information sharing

<sup>†</sup> An ongoing activity and the timeline indicates only the commencement of the activity