Disclosure of Information is subject to exemptions under Section 8(i)(j) and Section 10(i) of the RTI Act, 2005.
Department of Personnel & Training
IR Section

Sub:- Appointment 7, 1st 15 CRC

For inviting applications for five posts of Information Commissioners in the Central Information Commission, it has been decided to issue an advertisement in three newspapers viz. the Hindu and the Times of India, in English and Dainik Bhaskar in Hindi in all its editions in India.

2. The estimated cost for releasing this Press advertisement in dailies has been sought from the Directorate of Advertising and Visual Publicity (DAVP), which is amounting to Rs.2,73,014/-.

3. We may seek the concurrence of IFD before issue the LAO to the DAVP.

4. The expenditure will be debitable to Major Head 2052- Secretariat General Service - 00.090- Secretariat (Minor Head) - 05 - Ministry of Personnel, PG & Pensions - 05.01- Department of Personnel & Training - 05.01.26 - Advertising and Publicity - Demand No. 72 under Non-Plan for the year 2013-14. Sufficient funds are available under this head.

5. Before seeking the concurrence of IFD, kind approval of JS(A1&A) is solicited for issuing LOA of an amount of Rs.2,73,014/- in favour of DAVP.

Manoj Joshi
17.15.13

Sub:-

FIA

Mang Joshi
17/5/13

DAVP
17/5/13

IFD (Fin) (Rev).

AFA
2/15/2013
Ministry of Home Affairs
AFA (Pers) Branch

Reference note at pre-page.

2. This is a proposal of DOPT for issuing LOA of an amount of Rs.2,73,014/- in favour of DAVP for advertisement in three newspapers viz. The Hindu and the Times of India, in English and Dainik Bhaskar in Hindi in all its editions in India.

3. Department has proposed to issue an advertisement in three newspapers for inviting applications for five posts of Information Commissioners in the Central Information Commission.

4. Department has stated that the estimated cost for releasing this press advertisement in Daily Newspaper has been obtained from the Directorate of Advertising and Visual Publicity which is amounting to Rs. 2,73,014/-. May kindly be seen at Flag - A.

5. The expenditure will be debitable to Major Head 2052- Secretariat General Service-00.090- Secretariat (Minor Head) -05 – Ministry of Personnel, PG & Pensions – 05.01 – Department of Personnel & training – 05.01.26 – Advertising and Publicity – Demand No.72 under Non-Plan for the year 2013-14. Sufficient funds are available under this head.

The proposal mentioned at para 2 above is submitted for kind consideration of AS&FA (H).
A Writ Petition (Civil) No. 210/2012 was filed on 11.07.2012 by Shri Namit Sharma against Union of India (through Secretary, DoPT) challenging the constitutional validity of sub-Sections (5) and (6) of Section 12 and sub-
Sections (5) and (6) of Section 15 of the Act of 2005. These provisions primarily deal with the eligibility criteria for appointment to the posts of Chief Information Commissioners and Information Commissioners, both at the Central and the State levels.

2. Hon’ble Supreme Court delivered its Judgement on 13.09.2012. The judgement while allowing the writ petition partly laid down:

A. The provisions of Sections 12(5) and 15(5) of the Act of 2005 are held to be constitutionally valid, but with the rider that, to give it a meaningful and purposive interpretation, it is necessary for the Court to ‘read into’ these provisions some aspects without which these provisions are bound to offend the doctrine of equality. Thus, we hold and declare that the expression ‘knowledge and experience’ appearing in these provisions would mean and include a basic degree in the respective field and the experience gained thereafter. Further, without any peradventure and veritably, we state that appointments of legally qualified, judicially trained and experienced persons would certainly manifest in more effective serving of the ends of justice as well as ensuring better administration of justice by the Commission. It would render the adjudicatory process which involves critical legal questions and nuances of law, more adherent to justice and shall enhance the public confidence in the working of the Commission. This is the obvious interpretation of the language of these provisions and, in fact, is the essence thereof.

B. As opposed to declaring the provisions of Section 12(6) and 15(6) unconstitutional, we would prefer to read these provisions as having effect ‘post-appointment’. In other words, cessation/termination of holding of office of profit, pursuing any profession or carrying any business is a condition precedent to the appointment of a person as Chief Information Commissioner or Information Commissioner at the Centre or State levels.

C. There is an absolute necessity for the legislature to reword or amend the provisions of Section 12(5), 12(6) and 15(5), 15(6) of the Act. We observe and hope that these provisions would be amended at the earliest
by the legislature to avoid any ambiguity or impracticability and to make it in consonance with the constitutional mandates.

D. We also direct that the Central Government and/or the competent authority shall frame all practice and procedure related rules to make working of the Information Commissions effective and in consonance with the basic rule of law. Such rules should be framed with particular reference to Section 27 and 28 of the Act within a period of six months from today.

E. We are of the considered view that it is an unquestionable proposition of law that the Commission is a ‘judicial tribunal’ performing functions of ‘judicial’ as well as ‘quasi judicial’ nature and having the trappings of a Court. It is an important cog and is part of the court attached system of administration of justice, unlike a ministerial tribunal which is more influenced and controlled and performs functions akin to the machinery of administration.

F. It will be just, fair and proper that the first appellate authority (i.e. the senior officers to be nominated in terms of Section 5 of the Act of 2005) preferably should be the persons possessing a degree in law or having adequate knowledge and experience in the field of law.

G. The Information Commissions at the respective levels shall henceforth work in Benches of two members each. One of them being a ‘judicial member’, while the other an ‘expert member’. The judicial member should be a person possessing a degree in law, having a judicially trained mind and experience in performing judicial functions. A law officer or a lawyer may also be eligible provided he is a person who has practiced law at least for a period of twenty years as on the date of the advertisement. Such lawyer should also have experience in social work. We are of the considered view that the competent authority should prefer a person who is or has been a Judge of the High Court for appointment as Information Commissioners. Chief Information Commissioner at the Centre or State level shall only be a person who is or has been a Chief Justice of the High Court or a Judge of the Supreme Court of India.

H. The appointment of the judicial members to any of these posts shall be made ‘in consultation’ with the Chief Justice of India and Chief Justices of the High Courts of the respective States, as the case may be.

I. The appointment of the Information Commissioners at both levels should be made from amongst the persons empanelled by the DoPT in the case of Centre and the concerned Ministry in the case of a
State. The panel has to be prepared upon due advertisement and on a rational basis as afore-recorded.

J. The panel so prepared by the DoPT or the concerned Ministry ought to be placed before the High-powered Committee in terms of Section 12(3), for final recommendation to the President of India. Needless to repeat that the High Powered Committee at the Centre and the State levels is expected to adopt a fair and transparent method of recommending the names for appointment to the competent authority.

K. The selection process should be commenced at least three months prior to the occurrence of vacancy.

L. This judgment shall have effect only prospectively.

3. A Review petition was filed by UOI before the Hon’ble Court against the said judgement. After the final hearing in the Review petition on 10/12/2012, the Hon’ble Supreme Court reserved its judgement. However, one of the judges in the bench viz. Justice Swantanar Kumar retired as Judge of Supreme Court before delivering judgement in the Review petition.

4. In the meanwhile, an application for stay of the operation of the said judgement was filed by one advocate. The application along with the Review Petition was listed on 16/04/2013 before the new bench of Justice A K Pattanaik and Justice A K Sikri. The judgement in the case is reserved.

5. The Hon’ble court, however, passed an order on 16/04/2013 in respect of the stay application, as under:

"We are not inclined to stay the operation of the entire judgment in Namit Sharma Vs. Union of India but we direct that the following directions in sub-paras 108.8 and 108.9 quoted here-in-below shall remain stayed during the pendency of the Review Petition (C) No. 2309 of 2012.

108.8 The Information Commissions at the respective levels shall henceforth work in Benches of two members each. One of them being a 'judicial member', while the other an 'expert member'. The judicial member should be a person possessing a degree in law, having a judiciously trained mind and experience in performing judicial functions. A law officer or a lawyer may also be eligible provided he is a person who has practiced law at least for a period of twenty years as on the date of the advertisement. Such lawyer should also have experience in social work. We are of the considered view that the competent authority should prefer a person who is or has
been a Judge of the High Court for appointment as Information Commissioners. Chief Information Commissioner at the Centre or State level shall only be a person who is or has been a Chief Justice of the High Court or a Judge of the Supreme Court of India.

108.9 The appointment of the judicial members to any of these posts shall be made 'in consultation' with the Chief Justice of India and Chief Justices of the High Courts of the respective States, as the case may be".

We further direct that wherever Chief Information Commissioner is of the opinion that intricate questions of law will have to be decided in a matter coming before the Information Commissioners, he will ensure that the matter is heard by a Bench of which at least one member has knowledge and experience in the field of Law.

We make it clear that subject to orders that may be finally passed after hearing the Review Petitions, the competent authority will continue to fill up the vacant posts of Information Commissioners in accordance with the Act and in accordance with the judgment in W. P. (C) No. 210 of 2012 except sub-paras 108.8 and 108.9 which we have stayed. This is to ensure that functioning of the Information Commissioners in accordance with the Act and the Judgment is not affected during the pendency of the Review Petitions.

We further make it clear that the Chief Commissioners already functioning will continue to function until the disposal of the Review Petitions."

6. On receipt of the stay order, a proposal was put up to initiate action for selection of 4 ICs and for Chief Information Commissioner in accordance with the Act and the directives of the Hon'ble Supreme Court and as per the earlier approved process.

7. PMO has conveyed the approval of the Prime Minister vide ID no. 600/5/C/4/2012-ES.2 dated 27/05/2013 for appointment of one post of Chief Information Commissioner and four posts of Information Commissioners in the current round of selection based on the earlier approved process, keeping in view, inter alia, the observation and directions of the Supreme Court.

8. Regarding appointment of Chief Information Commissioner, the earlier practise had been that CIC is appointed from
amongst the existing ICs. During the initial appointment of Chief Information Commissioner, the name of Shri Wajahat Habibullah was recommended by the Selection Committee for the position of Chief Information Commissioner. Regarding subsequent appointments of Chief Information Commissioners, both Shri A. N. Tiwari and Shri Satyanand Mishra were Information Commissioners, before their appointment as Chief Information Commissioner. Their names too were recommended by the Selection Committee for appointment as Chief Information Commissioner, as per the proceedings of the Committee. A copy of the said proceedings is placed below for perusal. Applications were never called for the post of Chief Information Commissioner in the past. It is also pertinent to mention that a resolution had been passed by the Information Commissioners of the Central Information Commission in September, 2010 recommending that the successor of CIC should be from the existing ICs. A copy of the resolution is also placed below. Now, as approved by Prime Minister, it is proposed that the earlier practise/process for the appointment of Chief Information Commissioner from amongst the existing ICs may be followed. A separate note would be put up for the same.

9. Regarding the appointment of Information Commissioners, the Hon’ble Supreme Court in its judgement dated 13/09/2012 held and declared that the expression 'knowledge and experience' appearing in section 12 (5) would mean and include a basic degree in the respective field and the experience gained thereafter. As proposed earlier, the search committee and the selection committee should consider the requirement of basic degree in the respective field and the experience gained thereafter, while short listing and finally selecting the ICs. Accordingly, it is proposed that the requirement of basic degree in the respective field may not be mentioned in the advertisement for the post of Information Commissioners.

10. Further, as approved by Prime Minister, the earlier approved process for the appointment of Information Commissioners may be followed, as detailed below:

i. A circular may be posted on the website of DOPT seeking particulars of the interested persons for the post of Information Commissioners. Draft circular is placed below for approval. This circular is similar to the last circular dated 29/10/2011, vetted by
Ministry of Law. It is pertinent to mention that in the last circular number of posts to be filled up were not mentioned. It is proposed to follow the same practise. The circular dated 29/10/2011 is also placed below for perusal. It is proposed that we may also mention in the circular that these appointments would be subject to the outcome of Review Petition (C) no. 2309 of 2012 pending before the Hon’ble Supreme Court.

ii. An advertisement may also be published in the 2 leading English newspapers (Times of India and The Hindu) and in one Hindi newspaper (Dainik Bhasker). Draft advertisement (in English) is placed below for approval. This action was not taken during the last appointment of ICs.

iii. The “Search Committee” headed by the Cabinet Secretary may continue, with principal Secretary to PM, Secretary (HRD), Secretary (Law), Secretary (DOPT) and Chairman(NDDB) as members or any other member as decided.

iv. The applications received may be tabulated by DOPT and submitted to the search committee.

v. The search committee after scrutinizing the particulars of the applicants and after detailed discussion may recommend names to the selection committee.

11. It is submitted for approval of the proposals mentioned at para 8 to 10 above and for approval of draft circular to be posted on the website of DOPT and draft advertisement for the newspapers.

Submitted please.

(R K Girdhar)
Under Secretary (RTL)
30/05/2013
Refer notes on prepage.

In order to appoint more Information Commissioners in the Central Information Commission, particulars of interested persons have been invited by posting an advertisement, bilingual, on the website of DoPT on 31.05.2013. The advertisement can be seen under 'what is new': events in DoPT and OMs and Orders under RTI. The last date of receiving the applications in DoPT is 28th June, 2013.

2. It was also decided to advertise the posts through print media i.e. Times of India, the Hindu (English) and Dainik Bhaskar (Hindi) and all their editions in India. Accordingly, a request was sent to Director, DAVP on 31.05.2013 to ensure that advertisement gets published in the newspapers of 1.6.2013. All the documents, i.e. advertisements (English & Hindi) in both soft and hard form; a copy of LOA and sanction were also sent along.

3. Incidentally, advertisement did not appear in the newspapers of 1.6.2013, 2.6.2013 or 3.6.2013. Today the undersigned has a discussion with Mr. Ajay Mojarwar (9868858828), A.D., who informed that he is taking necessary steps to ensure that the advertisement appears in all the newspapers of 4th June, 2013.

Submitted.

(R.K. Girdhar) Under Secretary

Secretary (P) may kindly see the order of PM & the notification inviting applications for appointment of I Cs issued on 31/5/13

Many Thxs.

3/6/13

5/6/13.
Subject: Appointment of Information Commissioners in the Central Information Commission.

1. As per section 12 (2) of the Act, the Central Information Commission shall consist of the Chief Information Commissioner and such number of Central Information Commissioners, **not exceeding ten**, as may be deemed necessary. At present, the Central Information Commission has Chief Information Commissioner and 6 (Six) Information Commissioners. Out of these, Shri Satyananda Mishra, Chief IC would retire on 04/09/2013 and Shri M. L. Sharma, IC would retire on 07/09/2013.

2. It is pertinent to mention that a Writ Petition was filed by Shri Namit Sharma in the Supreme Court challenging the constitutional validity of sub-Sections (5) and (6) of Section 12 and sub-Sections (5) and (6) of Section 15 of the Act of 2005. These provisions primarily deal with the eligibility criteria for appointment to the posts of Chief Information Commissioners and Information Commissioners, both at the Central and the State levels.

3. Hon’ble Supreme Court delivered its Judgement on 13.09.2012. The main operating part of the judgement is as under:

   A. We hold and declare that the expression ‘knowledge and experience’ appearing in these provisions would mean and include a basic degree in the respective field and the experience gained thereafter.

   B. As opposed to declaring the provisions of Section 12(6) and 15(6) unconstitutional, we would prefer to read these provisions as having effect ‘post-appointment’.

   C. There is an absolute necessity for the legislature to reword or amend the provisions of Section 12(5), 12(6) and 15(5), 15(6) of the Act.

   D. The Information Commissions at the respective levels shall henceforth work in Benches of two members each. One of them being a ‘judicial member’, while the other an ‘expert member’. We are of the considered view that the competent authority should prefer a person who is or has been a Judge of the High Court for appointment as Information Commissioners. Chief Information Commissioner at the Centre or State level shall only be a person who is or has been a Chief Justice of the High Court or a Judge of the Supreme Court of India.

   E. The appointment of the Information Commissioners at both levels should be made from amongst the persons empanelled by the DoPT in the case of
Centre and the concerned Ministry in the case of a State. The panel has to be prepared upon due advertisement and on a rational basis as afore-recorded.

F. The panel so prepared by the DoPT or the concerned Ministry ought to be placed before the High-powered Committee in terms of Section 12(3), for final recommendation to the President of India. Needless to repeat that the High Powered Committee at the Centre and the State levels is expected to adopt a fair and transparent method of recommending the names for appointment to the competent authority.

3. A Review petition was filed by UoI before the Hon'ble Court against the said judgement. The judgement in the Review Petition is reserved. During the hearing, the Hon'ble court passed a stay order on 16/04/2013, staying their direction regarding working of Information Commissions in benches and appointment of Judicial Members in the Commission.

4. On receipt of the stay order, a proposal was put up to the Prime Minister to initiate action for selection of ICs and for Chief Information Commissioner in accordance with the Act and the directives of the Hon'ble Supreme Court and as per the earlier approved process.

5. PMO has conveyed the approval of the Prime Minister for appointment of one post of Chief Information Commissioner and four posts of Information Commissioners in the current round of selection based on the earlier approved process, keeping in view, *inter alia*, the observation and directions of the Supreme Court.

6. The procedure that was followed during the last appointment of Information Commissioners of Central Information Commission is as follows:

i. A “Search Committee” headed by the Cabinet Secretary was constituted, with principal Secretary to PM, Secretary (HRD), Secretary (Law), Secretary (DOPT) and Chairman(NDB) as members. It was decided that the search committee would suggest a panel of persons to the selection committee and for this the search committee would decide its own modalities.

ii. The search committee decided that applications from interested persons for appointment as Information Commissioners may be invited by posting a public notice on the website of DOPT.

iii. Accordingly, a circular was posted on the website of DOPT seeking particulars of the interested persons. This was reported in media also giving it wider publicity.
iv. The applications received were tabulated by DOPT and submitted to the search committee.

v. The search committee after scrutinizing the particulars of the applicants and after detailed discussions, recommended panels of names to the selection committee. This activity was undertaken by the cabinet secretariat.

7. As approved by the Prime Minister, the similar process for the appointment of Information Commissioners is being followed, as detailed below:

i. A circular has been posted on the website of DOPT seeking particulars of the interested persons for the post of Information Commissioners. The last date of receipt of applications was 28/06/2013.

ii. An advertisement was also be published in the 2 leading English newspapers (Times of India and The Hindu) and in one Hindi newspaper (Dainik Bhasker).

iii. More than 400 applications have been received, which are being tabulated. After tabulation, the same would be sent to the Search Committee.

iv. The search committee would recommend names to the selection committee.

8. The earlier “Search Committee” was constituted on the basis of a note sent by MOS(PP) to the Prime Minister. With the approval of Prime Minister, the constitution of the Search Committee was intimated to this Department by the Cabinet Secretariat. It was headed by the Cabinet Secretary, with principal Secretary to PM, Secretary (HRD), Secretary (Law), Secretary (DOPT) and Ms Amrita Patel, Chairperson (NDDB) as members.

9. It is submitted for consideration of the Prime Minister as to whether the same “Search Committee” may continue.

Submitted please.

(R K Girdhar)
Under Secretary (RTI)
03/07/2013

Dir [TIA]

Secretary [P]

Approval of the Hon’ble PM may kindly be obtained from constituting the Search committee as indicated at para 8 above.

31/7/13
Subject: Appointment of Information Commissioners in the Central Information Commission.

1. As per section 12 (2) of the Act, the Central Information Commission shall consist of the Chief Information Commissioner and such number of Central Information Commissioners, not exceeding ten, as may be deemed necessary. At present, the Central Information Commission has Chief Information Commissioner and 6 (Six) Information Commissioners. Out of these, Shri Satyananda Mishra, Chief IC would retire on 04/09/2013 and Shri M. L. Sharma, IC would retire on 07/09/2013.

2. It is pertinent to mention that a Writ Petition was filed by Shri Namit Sharma in the Supreme Court challenging the constitutional validity of sub-Sections (5) and (6) of Section 12 and sub-Sections (5) and (6) of Section 15 of the Act of 2005. These provisions primarily deal with the eligibility criteria for appointment to the posts of Chief Information Commissioners and Information Commissioners, both at the Central and the State levels.

3. Hon'ble Supreme Court in its Judgement dated 13.09.2012 directed inter-alia that the Information Commissions at the Centre and State levels shall henceforth work in Benches of two members each. One of them being a 'judicial member', while the other an 'expert member'.

4. A Review petition was filed by Uol before the Hon'ble Court against the said judgement. The judgement in the Review Petition is reserved. During the hearing, the Hon'ble court passed a stay order on 16/04/2013, staying their direction regarding working of Information Commissions in benches and appointment of Judicial Members in the Commission.

5. On receipt of the stay order, a proposal was put up to the Prime Minister to initiate action for selection of ICs and for Chief Information Commissioner in accordance with the Act and the directives of the Hon'ble Supreme Court and as per the earlier approved process.
6. PMO has conveyed the approval of the Prime Minister for appointment of one post of Chief Information Commissioner and four posts of Information Commissioners in the current round of selection based on the earlier approved process, keeping in view, inter alia, the observation and directions of the Supreme Court.

7. The procedure that was followed during the last appointment of Information Commissioners of Central Information Commission is as follows:

   i. A "Search Committee" headed by the Cabinet Secretary was constituted, with principal Secretary to PM, Secretary (HRD), Secretary (Law), Secretary (DOPT) and Chairman (NDDB) as members. It was decided that the search committee would suggest a panel of persons to the selection committee and for this the search committee would decide its own modalities.

   ii. The search committee decided that applications from interested persons for appointment as Information Commissioners may be invited by posting a public notice on the website of DOPT.

   iii. Accordingly, a circular was posted on the website of DOPT seeking particulars of the interested persons. This was reported in media also giving it wider publicity.

   iv. The applications received were tabulated by DOPT and submitted to the search committee.

   v. The search committee after scrutinizing the particulars of the applicants and after detailed discussions, recommended panels of names to the selection committee. This activity was undertaken by the cabinet secretariat.

8. As approved by the Prime Minister, the similar process for the appointment of Information Commissioners has been followed, as detailed below:

   i. A circular had been posted on the website of DOPT on 31.06.2013 seeking particulars of the interested persons for the post of Information Commissioners. The last date of receipt of applications was 28/06/2013.

   ii. An advertisement was also published in the 2 leading English newspapers (Times of India and The Hindu) and in one Hindi newspaper (Dainik Bhasker).
iii. 422 applications have been received and tabulated as per proforma, in which particulars of the applicants were invited.

iv. Those applications which were received by 28.6.2013 even as advance copy have been tabulated. Intimation of application by 1.7.2013 of having routed through proper channel have also been taken into account and placed that intimation along with application received as advance copy on or before 28.6.2013. Fresh applications received after the cut-off date of 28.6.2013 have not been considered.

9. All the 422 applications, in original, along with tabulated details may be sent to Cabinet Secretariat for consideration and convening the meeting of Search Committee under the Chairmanship of Cabinet Secretary to empanel the names of suitable persons for the posts of Information Commissioners in the Central Information Commission. Empanelled names of the suitable persons would be sent by the Search Committee to the Selection Committee headed by the Prime Minister for selection of ICs in the CIC.

(R K Girdhar)
Under Secretary (RTI)
08/07/2013

Dir (HR)

Submitted for approval of para '9' above pl. It is also pertinent to mention that another file is under submission as to whether the earlier formed "search committee" may continue.

TS (AT+A)

Discussed with JL(Area). JL directed to put up different lists based on the criteria as mentioned to

8/7/13
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training

Subject: Appointment of Information Commissioners in the Central Information Commission.

As per section 12 (2) of the Act, the Central Information Commission shall consist of the Chief Information Commissioner and such number of Central Information Commissioners, not exceeding ten, as may be deemed necessary.

2. At present, the Central Information Commission has Chief Information Commissioner and 6 (Six) Information Commissioners. Out of these, Shri Satyananda Mishra, Chief IC would retire on 04/09/2013 and Shri M. L. Sharma, IC would retire on 07/09/2013.

3. It is pertinent to mention that a Writ Petition was filed by Shri Namit Sharma in the Supreme Court challenging the constitutional validity of sub-Sections (5) and (6) of Section 12 and sub-Sections (5) and (6) of Section 15 of the Act of 2005. These provisions primarily deal with the eligibility criteria for appointment to the posts of Chief Information Commissioners and Information Commissioners, both at the Central and the State levels.

4. Hon’ble Supreme Court in its Judgement dated 13.09.2012 directed inter-alia that the Information Commissions at the Centre and State levels shall henceforth work in Benches of two members each. One of them being a ‘judicial member’, while the other an ‘expert member’.

5. A Review petition was filed by UoI before the Hon’ble Court against the said judgement. The judgement in the Review Petition is reserved. During the hearing, the Hon’ble court passed a stay order on 16/04/2013, staying their direction regarding working of Information Commissions in benches and appointment of Judicial Members in the Commission.

6. On receipt of the stay order, a proposal was put up to the Prime Minister to initiate action for selection of ICs and for Chief Information Commissioner in accordance with the Act and the directives of the Hon’ble Supreme Court and as per the earlier approved process.
7. PMO has conveyed the approval of the Prime Minister for appointment of one post of Chief Information Commissioner and four posts of Information Commissioners in the current round of selection based on the earlier approved process, keeping in view, inter alia, the observation and directions of the Supreme Court.

8. The procedure that was followed during the last appointment of Information Commissioners of Central Information Commission is as follows:

i. A "Search Committee" headed by the Cabinet Secretary was constituted, with principal Secretary to PM, Secretary (HRD), Secretary (Law), Secretary (DOPT) and Chairman (NDDB) as members. It was decided that the search committee would suggest a panel of persons to the selection committee and for this the search committee would decide its own modalities.

ii. The search committee decided that applications from interested persons for appointment as Information Commissioners may be invited by posting a public notice on the website of DOPT.

iii. Accordingly, a circular was posted on the website of DOPT seeking particulars of the interested persons. This was reported in media also giving it wider publicity.

iv. The applications received were tabulated by DOPT and submitted to the search committee.

v. The search committee after scrutinizing the particulars of the applicants and after detailed discussions, recommended panels of names to the selection committee. This activity was undertaken by the cabinet secretariat.

9. As approved by the Prime Minister, the similar process for the appointment of Information Commissioners has been followed, as detailed below:

i. A circular had been posted on the website of DOPT on 31.06.2013 seeking particulars of the interested persons for the post of Information Commissioners. The last date of receipt of applications was 28/06/2013.

ii. An advertisement was also published in the 2 leading English newspapers (Times of India and The Hindu) and in one Hindi newspaper (Dainik Bhasker).
10. A total of 422 applications for the post of ICs in CIC have been received by the last date i.e. 28.6.2013 and have been tabulated, which is placed at Flag 'E'. Those applications which were received as advance copy by 28.6.2013 have also been included. Such applications received through proper channel after 28.6.2013 have been attached with the advance copy. Fresh applications received after the cut-off date of 28.6.2013 have not been considered at all.

11. As per Section 12(5) of the RTI Act, 2005, the Chief Information Commissioner and Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in "law, science and technology, social service, management, journalism, mass media or administration and governance." Accordingly, all these 422 applications have been broadly categorised into the 7 categories of knowledge and experience, as mentioned above. Few applications which do not fall within these 7 categories, have been mentioned in "others" category. It is pertinent to mention that for the sake of categorisation, only the main field of knowledge and experience has been mentioned, while the additional fields of knowledge and experience, if any, have not been indicated. The category wise distribution of these applications is placed at Flag 'E'. The category wise breakup is as under:

<table>
<thead>
<tr>
<th>Category</th>
<th>No. of applications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law</td>
<td>65</td>
</tr>
<tr>
<td>Science &amp; Technology</td>
<td>41</td>
</tr>
<tr>
<td>Social Service</td>
<td>21</td>
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<tr>
<td>Management</td>
<td>81</td>
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<tr>
<td>Journalism</td>
<td>20</td>
</tr>
<tr>
<td>Mass Media</td>
<td>11</td>
</tr>
<tr>
<td>Administration and Governance</td>
<td>177</td>
</tr>
<tr>
<td>Others</td>
<td>6</td>
</tr>
<tr>
<td>Total</td>
<td>422</td>
</tr>
</tbody>
</table>

12. All the 422 applications, in original, along with tabulated details may be sent to Cabinet Secretariat for consideration and convening the meeting of Search Committee. It is pertinent to mention that a separate file is under submission for decision as to whether the earlier search committee may continue.
As per the earlier procedure, the search committee would suggest the names of suitable persons to the Selection Committee headed by the Prime Minister for selection of ICs in the CIC.

(Sarita Nair)
Under Secretary (IR)
11/07/2013

We may request Cabinet Sectt. for taking further action after receipt of file on Search Committee for ANO

Mang Johk.
11/7/13

we may take action on receipt of the return of image. The file is under look.

12/7/13

JS (AT & A)

Dir (IR)

12/7/13

US (CRTI)
Subject: Appointment of Information Commissioners in the Central Information Commission.

Reference: Notes on pre pages.

PMO vide ID no. 600/5/C/4/2012-ES.2 dated 27/05/2013 has conveyed the approval of Hon'ble Prime Minister for appointment to one post of Chief Information Commissioner and four posts of Information Commissioners in the current round of selection based on the earlier approved process, keeping in view, *inter alia*, the observation and directions of the Supreme Court.

2. The procedure that was followed during the last appointment of Information Commissioners of Central Information Commission is as follows:

i. A "Search Committee" headed by the Cabinet Secretary was constituted, with principal Secretary to PM, Secretary (HRD), Secretary (Law), Secretary (DOPT) and Chairman (NDBD) as members. It was decided that the search committee would suggest a panel of persons to the selection committee and for this the search committee would decide its own modalities.

ii. The search committee decided that applications from interested persons for appointment as Information Commissioners may be invited by posting a public notice on the website of DOPT.

iii. Accordingly, a circular was posted on the website of DOPT seeking particulars of the interested persons. This was reported in media also giving it wider publicity.

iv. The applications received were tabulated by DOPT and submitted to the search committee.

v. The search committee after scrutinizing the particulars of the applicants and after detailed discussions, recommended panels of names to the selection committee. This activity was undertaken by the cabinet secretariat.

2. As approved by the Prime Minister, the similar process for the appointment of Information Commissioners has been followed, as detailed below:

i. A circular had been posted on the website of DOPT on 31.05.2013 seeking particulars of the interested persons for
the post of Information Commissioners. The last date of receipt of applications was 28/06/2013.

ii. An advertisement was also published in the 2 leading English newspapers (Times of India and The Hindu) and in one Hindi newspaper (Dainik Bhasker).

3. A total of 422 applications for the post of ICs in CIC have been received by the last date i.e. 28.6.2013 and have been tabulated, which is placed at Flag Y. Those applications which were received as advance copy by 28.6.2013 have also been included. Such applications received through proper channel after 28.6.2013 have been attached with the advance copy. Fresh applications received after the cut-off date of 28.6.2013 have not been considered at all.

4. As per Section 12(5) of the RTI Act, 2005, the Chief Information Commissioner and Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in “law, science and technology, social service, management, journalism, mass media or administration and governance.” Accordingly, all these 422 applications have been broadly categorised into the 7 categories of knowledge and experience, as mentioned above. Few applications which do not fall within these 7 categories, have been mentioned in “others” category. It is pertinent to mention that for the sake of categorisation, only the main field of knowledge and experience has been mentioned, while the additional fields of knowledge and experience, if any, have not been indicated. The category wise distribution of these applications is placed at Flag Y. The category wise breakup is as under:

<table>
<thead>
<tr>
<th>Category</th>
<th>No. of applications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law</td>
<td>65</td>
</tr>
<tr>
<td>Science &amp; Technology</td>
<td>41</td>
</tr>
<tr>
<td>Social Service</td>
<td>21</td>
</tr>
<tr>
<td>Management</td>
<td>81</td>
</tr>
<tr>
<td>Journalism</td>
<td>20</td>
</tr>
<tr>
<td>Mass Media</td>
<td>11</td>
</tr>
<tr>
<td>Administration and Governance</td>
<td>177</td>
</tr>
<tr>
<td>Others</td>
<td>6</td>
</tr>
<tr>
<td>Total</td>
<td>422</td>
</tr>
</tbody>
</table>

5. PMO vide ID no. 600/31/C/39/2013-ES.2 dated 18/07/2013 has now conveyed the approval of Hon'ble Prime Minister for constitution of the Search Committee during the current round of selection for appointment of Information Commissioners in the Central Information Commission as
constituted on the last round of selection process, as given below:

i. Cabinet Secretary Chairman
ii. Principal Secretary to PM Member
iii. Secretary (Higher Education) Member
iv. Secretary (Personnel) Member
v. Law Secretary Member
vi. Ms Amrita Patel, Chairman (NDDB) Member

6. It is proposed to request Cabinet Secretary to fix a convenient date and time for the meeting of the Search Committee.

Submitted please.

(R K Girdhar)
Under Secretary (RTI)
22/07/2013

May like to see at this stage before we request it's cabinet secretary for it's selection committee meeting.

22/7/13

For kind consideration of it's proposal at para 6 above

24/7/13
Cabinet Secretary has approved that the meeting may be scheduled on 13.08.2013 at 5 pm in the Cabinet Secretariat, Balakotopati Bhan.

Director

27.7.2013

JS/(AT-2 A)

2017

USC/ITI

A meeting notice for convenience of members of Bank Committee on 13.08.2013 at 5 pm is given below for approval, DFC

After review by JS (AT-2 A), the break up of 422 applications for loan was slightly changed.

Sec/IT(I)

8.7.2013

JS (AT-2 A)

1.2.13

USC/IT(I)
F. No. 4/3/2013 – IR
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training

Subject: -Selection of Information Commissioners in the Central Information Commission

PMO vide ID no. 600/31/C/39/2013-ES.2 dated 18.7.2013 has conveyed the approval of Hon’ble Prime Minister for continuation of the “Search Committee” during the current round of selection for appointment of Information Commissioner in the Central Information Commission as constituted during the last round of selection process, as given below:

1) Cabinet Secretary Chairman
2) Principal Secretary to PM Member
3) Secretary (Higher Education) Member
4) Law Secretary Member
5) Secretary (Personnel) Member
6) Ms Amrita Patel, Chairperson (NDDB) Member

2. The first meeting of the Search Committee is scheduled to be held on 13.8.2013.

3. It is mentioned that Law Secretary, Dr. Brahman Avtar Agrawal, who is a member of the Search Committee, is one of the applicants for the post of Information Commissioners in the CIC. It is therefore, proposed that another person may be nominated as member of Search Committee in place of Law Secretary.

4. It is pertinent to mention that in a similar case of selection of members for Central Administrative Tribunal (CAT), initially Shri. B.A. Agrawal was one of the members of the Selection Committee. However, since he was also one of the applicants for the post of CAT member, another person was nominated in his place as member of the Selection Committee.

5. It is also pertinent to mention that during the last round of selection of Information Commissioners, the then Law Secretary, Shri D. R. Meena was one of the members of the Search Committee and also one of the applicants for the post of Information Commissioners. It is learnt that for this reason, he was not called for the meetings of the Search Committee.

6. It is submitted for the consideration of Hon’ble Prime Minister for nomination of a member of Search Committee in place of Law Secretary.

Submitted please.

(R.K. Girdhar)
Under Secretary
(8.8.2013)

Director (IR)
meeting of Search Committee.

It may be considered whether another office may be nominated in place of Law Secretary.

Manoj Tom.
8/18/13

Secretary

Since Law Secretary (Dr. B. A. Agrawad) is a candidate for the post of IC, we may not include him as a part of the Search Committee. In his place, we may consider nominating Secretary, Legislative Affairs Dept. For consideration.

IL
10.8.13

Mos (PP)

Prime Minister

Secretary
Sh. Shiv Dass, Under Secretary, Cabinet Secretariat (Phone no. 23018539) has intimated today that due to non-availability of the Principal Secretary to the PM, the meeting of the Search Committee for selection of ICs in CIC scheduled to be held on 13.08.2013 at 5.00 p.m. at Rashtrapati Bhawan, New Delhi has been postponed. The next date of meeting shall be intimated in due course of time.

2. Accordingly, postponement of the meeting may be intimated to the meeting members as per DFA please.

It is learnt that the meeting of Search Committee scheduled to be held on 13.08.2013 will now be held on 15.08.2013 at 11.30 a.m. in the Cabinet Sect.

A meeting notice in this effect is being issued for sign.

has informed Mr. D. V. S. about the above.

JS (AT & A)