Disclosure of Information is subject to exemptions under Section 8(i)(j) and Section 10(i) of the RTI Act, 2005.
No. 4/3/2013 – IR
Government of India
Ministry of Personnel, Public Grievance and Pensions
(Department of Personnel and Training)

A meeting of the Search Committee for preparing panels for the posts of information Commissioners in Central Information Commission was held on 19th August, 2013 at 10.30 hours in the Cabinet Secretariat.

2. Draft letter to Cabinet Secretary for Approval of minutes of the meeting is placed below for approval.

(Sandeep Jain)
Director(IR)
20/08/2013

JS(AT & A)
CONFIDENTIAL

No. 4/3/2013 – IR
Government of India
Ministry of Personnel, Public Grievance and Pensions
(Department of Personnel and Training)

A meeting of the Search Committee for preparing panels for the posts of information Commissioners in Central Information Commission was held on 19th August, 2013 at 10.30 hours in the Cabinet Secretariat.

2. The Search Committee decided that DoPT should seek reports from IB and vigilance clearance from the respective Cadre Control Authorities/Ministries. The Committee further decided that keeping in view the number of ICs in position in the Central Information Commission and increasing pendency of cases, there was a need to urgently finalise the selection of the ICs. As seeking reports from CVC would take considerable time, it was decided by the Search Committee that DoPT should seek reports for the persons listed in the panels from CBI if they were under any investigation by the CBI. Thereafter, the panels would be placed before the Selection Committee chaired by Hon’ble Prime Minister for consideration.

3. Accordingly, Draft DO letters to Director, Intelligence Bureau and to Director, CBI are placed below for approval. Draft letter to the respective Cadre Control Authorities/Ministries (Viz. DoPT for IAS, MHA for IPS, CBEC for IRS(Contents), D/o Posts for IPS, M/o External Affairs for IFS and M/o Law & Justice for ILS) for seeking vigilance clearance is also placed below for approval.

Submitted please.

(Sandeep Jain)
Director (IR)
22/08/2013

JS(AT & A)

Secretary

Mang Joshi
22/8/13

OK. The list may also give some details else it may be difficult to CBI/113 to sanitise.

JS/AT & A)

23/8/13

23/8/13
It is submitted that Deptt of Legal Affairs and Ministry of Civil Aviation have already given Vigilance clearance to Dr. B.A. Agarwal, Law Secretary and Sh. M.A. Khan, respectively, while forwarding their applications. It appears that fresh Vigilance clearance in to these two officers may not be required pl.

Submitted pl.

23/18/13

Mang Joh

23/18/13
No. 8/23/2013-CS(A)
CABINET SECRETARIAT

Reference DoPT communication No. 4/3/2013-IR forwarding the draft minutes of the meeting of the Search Committee held on 19.08.2013 regarding preparation of panels for the posts of Information Commissioners in the Central Information Commission.

2. The minutes approved by the Cabinet Secretary are forwarded herewith for further necessary action.

(Nivedita Shukla Verma)
Joint Secretary
-08-2013

Department of Personnel and Training
(Shri S.K. Sarkar, Secretary)

20.8.13

m/ 26/8/13
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 4 (Four) Information Commissioners.

2. 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.

3. PMO has also conveyed approval for a Search Committee, as constituted on the last round of selection process, as given below:-
   - Cabinet Secretary - Chairman
   - Principal Secretary to PM - Member
   - Secretary (Personnel) - Member
   - Secretary (Higher Education) - Member
   - Secretary (Law) - Member
   - Ms. Amrita Patel, Chairperson - Member
   - National Dairy Development Board

4. The Search Committee met on 19.08.2013 and after scrutinizing the particulars of the applicants and after detailed discussions, recommended the following 5 panels for consideration of the Committee prescribed in section 12(3) of the RTI Act for making recommendations to the President for appointment of Information Commissioners:

**PANEL I**

(I) Dr. Mrutyunjay Sarangi
(II) Shri Sanjeev Kumar Tripathi
(III) Shri Yashvardhan Azad

**PANEL II**

(I) Shri Girish Chandra Chaturvedi
(II) Shri Sharat Sabharwal
(III) Ms. Sheila Sangwan

**PANEL III**

(I) Ms. Manjula Prasher
(II) Shri Pradeep Kumar Misra
(III) Ms. Vibha Puri Das
5. The Search Committee further decided that DoPT should seek reports from IB and vigilance clearance from the respective Cadre Control Authorities/Ministries. The Committee decided that keeping in view the number of ICs in position in the Central Information Commission and increasing pendency of cases, there was a need to urgently finalise the selection of the ICs. As seeking reports from CVC would take considerable time, it was decided by the Committee that DoPT should seek reports for the persons listed in the panels from CBI if they were under any investigation by the CBI. Thereafter, the panels would be placed before the Selection Committee chaired by Hon'ble Prime Minister for consideration. The minutes of the Search Committee are placed below.

6. Accordingly, inputs from IB, CBI and vigilance clearance from the concerned ministries/Cadre controlling authorities in r/o serving/retired Government Officers has been obtained.
8. During the last round of selection of Information Commissioners amongst the names empanelled by the Search Committee.

9. It is submitted for the consideration of the Cabinet Secretary.

(Sandeep Jain)
Director (IR)
13/09/2013

JS (AT & A)

Cabinet Secretariat has informed that the second meeting of the Search Committee would take place on 18/9/13 at 5.00 PM. Notice may be issued for the meeting. Reports of IC, CBI & Vig report from cadre control authority may be placed before the Search Committee for consideration.

Secretary

[Signature]

16/9/13

JS (AT & A) in a mt

16/9/13
Second meeting of the Senate Committee for preparing panels for the new Information Commissions in the Central Information Commission was held on 18th September at 5.00 pm in the Cabinet Sect.

2. Draft minutes of the meeting taken by TS (ATT) and approved by TS (c) have been e-mailed to Mr. Vishaka Sarma, TS (Lab. Sect).

3. Vigilance Action report has also been called for from 18, CBS, and CentralCredability authority.

TS (ATT) has seen all the documents.

VSC (RMI)
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 4 (Four) Information Commissioners.

2. 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.

3. PMO has also conveyed approval for a Search Committee, as constituted on the last round of selection process, as given below:

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

National Dairy Development Board

4. The Search Committee met on 19.08.2013 and after scrutinizing the particulars of the applicants and after detailed discussions, recommended the following 5 panels for consideration of the Committee prescribed in section 12(3) of the RTI Act for making recommendations to the President for appointment of Information Commissioners:

**PANEL I**

(I) Dr. Mrutyunjay Sarangi
(II) Shri Sanjeev Kumar Tripathi
(III) Shri Yashvardhan Azad

**PANEL II**

(I) Shri Girish Chandra Chaturvedi
(II) Shri Sharat Sabharwal
(III) Ms. Sheila Sangwan

**PANEL III**

(I) Ms. Manjula Prasher
(II) Shri Pradeep Kumar Misra
(III) Ms. Vibha Puri Das

**PANEL IV**

(I) Dr. Brahm Avtar Agrawal
(II) Shri M.A.Khan Yusufi
(III) Shri Sunil Kumar Chaudhary

PANEL V

(I) Dr. Anuradha Verma
(II) Shri Madabhushi Sridhar Acharyulu
(III) Shri Satya Prakash

5. The Search Committee further decided that DoPT should seek reports from IB and vigilance clearance from the respective Cadre Control Authorities/Ministries. The Committee decided that keeping in view the number of ICs in position in the Central Information Commission and increasing pendency of cases, there was a need to urgently finalise the selection of the ICs. As seeking reports from CVC would take considerable time, it was decided by the Committee that DoPT should seek reports for the persons listed in the panels from CBI if they were under any investigation by the CBI. Thereafter, the panels would be placed before the Selection Committee chaired by Hon’ble Prime Minister for consideration. The minutes of the Search Committee are placed below.

6. Accordingly, inputs from IB, CBI and vigilance clearance from the concerned ministries/Cadre controlling authorities in r/o serving/retired Government Officers has been obtained.

7. The Search committee met again on 18/09/2013 to consider the said inputs.

The final list of candidates suggested by the Search Committee is as under:

PANEL I

(I) Dr. Mrutyunjay Sarangi
(II) Shri Sanjeev Kumar Tripathi
(III) Shri Yashvardhan Azad

PANEL II

(I) Shri Girish Chandra Chaturvedi
(II) Shri Sharat Sabharwal
(III) Ms. Sheila Sangwan
(IV) Ms. Sandhya Baliga

PANEL III
8. IB, CBI and vigilance clearance from the concerned Cadre controlling authority

9. It is pertinent to mention that a Writ Petition was filed by Shri Namit Sharma against Union of India challenging the constitutional validity of sub-Sections (5) and (6) of Section 12 of the RTI Act. Union of India filed a Review Petition against the judgement dated 13/09/2012 of the Supreme Court. Hon'ble Supreme Court vide its order dated 03/09/2013 allowed the review petition and gave certain declarations and directions which are placed below. For the sake of emphasis, few of the directions are mentioned below:

a. We further direct that persons of eminence in public life with wide knowledge and experience in all the fields mentioned in Sections 12(5) and 15(5) of the Act, namely, law, science and technology, social service, management, journalism, mass media or administration and governance, be considered by the Committees under Sections 12(3) and 15(3) of the Act for appointment as Chief Information Commissioner or Information Commissioners.

b. We further direct that the Committees under Sections 12(3) and 15(3) of the Act while making recommendations to the President or to the Governor, as the case may be, for appointment of Chief Information Commissioner and Information Commissioners must mention against the name of each candidate recommended, the facts to indicate his eminence in public life, his knowledge in the particular field and his experience in the particular field and these facts must be accessible to the citizens as part of their right to information under the Act after the appointment is made.

10. Section 12(3) of the Act stipulates that the Chief Information Commissioner and the Information Commissioners shall be appointed by the President on the recommendation of a Committee consisting of the following:

(i) The Prime Minister who shall be the Chairman of the Committee,
(ii) The Leader of the Opposition in the Lok Sabha, and
(iii) A Union Cabinet Minister to be nominated by the Prime Minister.

11. PMO vide their ID no. 600/31/C/39/2013-ES.2 dated 12/08/2013 has conveyed the approval of nomination of Shri Kapil Sibal, Minister for Law and Justice on the “Selection Committee”.

12. File is submitted for convening a meeting of the Selection Committee for the purpose of selection of Information Commissioners in the Central Information Commission. Draft agenda note for the meeting is placed below for approval.

Submitted please.

(R K Girdhar)
US (RTI)
25/09/2013

Draft Agenda Note for the meeting of the Selection Committee for the selection of the Information Commissioner is placed opposite for consideration & approval. A date & time may kindly be indicated for the meeting of the Selection Committee headed by the Hon’ble PM.

26.9.13

Hon’ble Prime Minister
Reference notes on page 9-12/ante.

Secretary(P) has informed that meeting of the Selection Committee for selection of Information Commissioners in the Central Information Commission will be held on 10th November, 2013 at 10.30 a.m at 7, Race Course Road, New Delhi.

2. Accordingly, a meeting notice along with agenda note is placed below for approval. The agenda note has been seen earlier and approved by MOS(PP) on page 12/ante.

3. In the meanwhile, Assembly Election have been declared by the Election Commission in the five States viz. Madya Pradesh, Chhattisgarh, Rajasthan, Mizoram and Delhi and Model Code of Conduct has been enforced to these States. Instructions for observance of Code of Conduct issued by the Election Commission inter-alia mention that No Appointments or promotions in Government/Public Undertakings shall be made during this period, without prior clearance of the Commission. Accordingly, a letter to Election Commission to give 'No Objection' for making appointment of Information Commissioners in the CIC is also placed below for approval at DFA-III.

[R.K. Girdhar]
Under Secretary(RtI)
07.11.2013

[Signature]
MAMTA KONDRA

DFA I, DFA II & DFA III
Considewation.

[Signature]
7.11.13

MOS(PP)

[Signature]
7.11.13

[Signature]
7.11.13
A letter to Mr. J. R. to P. M. J. K. R. to attend
entry to JAM (ATSC) on 10th Nov 2013 in conveni-
ence meeting of Selection Committee. Mr. R. requests to
also register to all three offices to carry previous day
back then.

[Signature]
[Date: 9/11/2013]
Subject: Appointment of Information Commissioners in the Central Information Commission

In exercise of the powers given by Section 12(1) of Right to Information Act, 2005, the Central Government has constituted the Central Information Commission. As per sub section (2) of section 12 of the Act, the Commission shall consist of one Chief Information Commissioner and such number of Information Commissioners not exceeding ten as may be deemed necessary. At present there is one Chief Information Commissioner and four Information Commissioners in the Commission. It has now been decided to appoint five more Information Commissioners in the Commission, which besides the Chief Information Commissioner would make the total number of Information Commissioners nine.

2. As per Section 12 (5) of Act, the 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. The Commissioner shall not be a MP or MLA or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.

3. Section 13(2) provides that every Information Commissioner shall hold office for a term of 5 years from the date on which he enters upon his office or till he attains the age of 65 years, whichever is earlier and shall not be eligible for reappointment as such Information Commissioner.

4. According to sub-section (3) of Section 12 of the Act, the Chief Information Commissioner and the Information Commissioners are appointed by the President on the recommendation of a Committee consisting of:

(i) The Prime Minister;
(ii) The Leader of Opposition in Lok Sabha; and
(iii) A Union Cabinet Minister to be nominated by the Prime Minister.

5. Accordingly the Committee was constituted under Section 12(3) of the RTI Act 2005 with the following composition:

(i) The Prime-Minister who shall be the Chairman of the committee,
(ii) Leader of Opposition
(iii) The Minister of Law and Justice.
6. A meeting of the Committee was held at 10.30 am on 10.11.2013 in which the committee considered and recommended the names of the following persons for appointment as information Commissioners in the Central Information Commission:-

(i) Shri Yashvardhan Azad  
(ii) Shri Sharat Sabharwal  
(iii) Ms. Manjula Prasher  
(iv) Shri M.A.Khan Yusufi  
(v) Shri Madabhushi Sridhar Acharyulu

7. Minutes of the meeting may please be seen at Flag ‘A’. The CVs, inputs from IB, CBI and vigilance clearance from the concerned cadre control authorities for the persons recommended for appointment as Information Commissioners are at Flag ‘B’.

8. In view of Assembly elections in five states and model code of conduct in vogue, a ‘No Objection’ to the appointment of the Information Commissioners in the Central Information Commission has also been obtained from the Election Commission of India.

9. The Prime Minister may like to recommend to the Hon’ble President to approve the appointments of the persons referred to in para 6 above as Information Commissioners in the Central Information Commission.

(V. Narayanasamy)  
MOS(PP)  
11th November, 2013

Prime Minister

President

Minister of State(PP) (Shri V. Narayanasamy)
Subject: Appointment of Information Commissioners in the Central Information Commission.

Reference notes on pre-page.

2. Hon'ble President has approved the appointment of the following persons as Information Commissioners in the Central Information Commission:

(i) Shri Yashvardhan Azad
(ii) Shri Sharat Sabharwal
(iii) Ms. Manjula Prasher
(iv) Shri M.A. Khan Yusufi
(v) Shri Madabhushi Sridhar Acharyulu

3. Draft offer letters to the above persons are placed below for approval.

Submitted please.

(Sandeep Jain)
Director (IR)
18.11.13

JS(AT&A)

In continuation to above, draft letter to President Secretariat, requesting Hon'ble President to administer oath to above mentioned IC or to appoint some other person to administer oath (as per section 13(3) of the RTI Act) is placed below for approval pl.

TS (AT&A)

18.11.13
Subject: Appointment of Information Commissioners in the Central Information Commission.

Hon'ble President has approved the appointment of the following persons as Information Commissioners in the Central Information Commission:

(i) Shri Yashvardhan Azad
(ii) Shri Sharat Sabharwal
(iii) Ms. Manjula Prasher
(iv) Shri M.A.Khan Yusufi
(v) Shri Madabhushi Sridhar Acharyulu

2. Section 12(6) of the RTI Act provides that the Chief Information Commissioner or an Information Commissioner shall not be a Member of Parliament or Member of the Legislature of any State or Union territory, as the case may be, or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.

3. Offer letters have been issued to all the five persons mentioned above wherein the provision contained in Section 12(6) of the RTI Act has been clearly mentioned. It has also mentioned in the offer letter that if he/she is associated with any other office/organization in any capacity which is otherwise debarred/prohibited under the RTI Act, it is necessary for him/her to resign therefrom before appointment as Information Commissioner in the Central Information Commission.

4. At present, out of the five persons, the following three are employed as detailed below:

(i) Shri Yashvardhan Azad, IPS, presently working as Secretary (Security), Cabinet Secretariat, Govt. of India.
(ii) Shri M.A.Khan Yusufi, presently working as Chairperson, Airport Appellate Tribunal, Ministry of Civil Aviation, New Delhi (after superannuation as JS&LA, Deptt of Legal Affairs, Ministry of Law & Justice, Govt. of India).
(iii) Shri Madabhushi Sridhar Acharyulu, presently working as Professor, NALSAR University of Law, Hyderabad.

5. In response to the offer letters, the latest position is as under:

(i) Shri Sharat Sabharwal has accepted the offer of appointment. He has confirmed that he is not holding any office of profit at present.
(ii) Ms Manjula Prasher has accepted the offer of appointment. She has confirmed that she is not holding any office of profit at present.
(iii) Shri Madabhushi Sridhar Acharyulu has accepted the offer of appointment (through e-mail). Further, he has e-mailed his resignation letter and its acceptance by the Vice Chancellor.
(iv) Shri Yashvardhan Azad has accepted the offer of appointment. He has also mentioned that he might be deemed to have retired from service w.e.f. the date of his appointment as Information Commissioner in terms of DOPT OM No.3/15/99-Estt.(Pay-II) dated 18.11.1999. He has also enclosed communication to that effect to the Ministry of Home Affairs.

(v) Shri M.A.Khan Yusufi has accepted the offer of appointment. He has also mentioned that he might be deemed to have retired from service w.e.f. the date of his appointment as Information Commissioner in terms of DOPT OM No.3/15/99-Estt.(Pay-II) dated 18.11.1999. He has also enclosed communication to that effect to the Ministry of Civil Aviation.

6. As per DOPT OM No.3/15/99-Estt.(Pay-II) dated 18.11.1999, the Chairperson and Member(s) who on the date of his appointment to the Statutory Body/Tribunal was in the service of the Central/State Govt. shall be deemed to have retired from such service w.e.f. the date of his respective appointment as such Chairman/Member. It is however, clarified that this provision will not apply to the cases where the Constitutional provisions or the provision in the statute under which the body is established, is contrary to the above.

7. It appears that as per Section 12(6) of the RTI Act, any person holding any office of profit or pursuing any profession is required to resign from the same before appointment as Information Commissioner and this has been mentioned in the offer letter also. However, from the records, it is found that in the past, the serving officers had not resigned from the service but they were deemed to have retired from such service w.e.f. the date of appointment as Information Commissioner, in terms of DOPT OM No. 3/15/99-Estt.(Pay-II) dated 18.11.1999.

8. It is also pertinent to mention that Hon'ble Supreme Court in its judgement dated 03/09/2013 in Review Petition no. 2309/2012 in Namit Sharma case has inter alia declared that:

We declare that Sections 12(6) and 15(6) of the Act do not debar a Member of Parliament or Member of the Legislature of any State or Union Territory, as the case may be, or a person holding any other office of profit or connected with any political party or carrying on any business or pursuing any profession from being considered for appointment as Chief Information Commissioner or Information Commissioner, but after such person is appointed as Chief Information Commissioner or Information Commissioner, he has to discontinue as Member of Parliament or Member of the Legislature of any State or Union Territory, or discontinue to hold any other office of profit or remain connected with any political party or carry on any business or pursue any profession during the period he functions as Chief Information Commissioner or Information Commissioner.

9. In view of above, it is submitted for consideration whether the said deemed retirement from service as per DOPT OM No. 3/15/99-Estt.(Pay-II) dated 18.11.1999 may be accepted as fulfilling the condition contained in Section 12 (6) of the RTI Act, as done in the past.
10. Hon'ble President has desired that the newly appointed Information Commissioners may make and subscribe oath or affirmation before the Chief Information Commissioner. A draft letter to CIC for conveying the same is placed below for approval.

Submitted please.

(Sandeep Jain)
Director (IR)
20.11.13

JS(AT&A)

In the past, the DEPT guidelines of 1999 invoking deemed resignation had been applied in the case of Shri Sabyasachi Mishra, former Chief Information Commissioner & Shri ML Sharma, former Information Commissioner.

In view of the past practice, we may agree to the proposal above.

17.11.13

[Signatures and dates]

USCTR)

21.11.

JS(AT&A)

24.11.13
Notes on propose

Hon'ble President has appointed following five persons as informer commisioners in the Central Informer Commission:

(i) Sh. Yeshovardhan Agar
(ii) Sh. Shamk Sathyan
(iii) Ms. Manjula Trasker
(iv) Sh. M.H. Khan Yusufi
(v) Sh. Madhusudan Sethur Acharyulu

All the above will be adminitred oath on 22nd Nov 2013 by the Chief Informer Commissioner, CIC.

2. Accordingly, five notifications for the above persons effective from 22nd Nov 2013 and to be read by legislative deptt. H/L law person.

Byrduth
24/11/2013

JSC, ATKA

Mary Jolh.
24/11/13

DIN(Act)

24/11/13

Joint Secy, legislative deptt. M/L law person.
The draft notification, as amended, is formally in order. The older draft may accordingly be modified before they are issued.

DOPT (Shri Mamji Joshi, JS)

Sujay Singh
22/11/13

M/s Law (G) O L Wing is requested to provide Hindi version of the notification today itself.

Gupta, O L Wing
M/s Law & Justice
संलग्न अविस्मृत्त का हिंदी पाठ तैयार कर दिया गया है कृपया संबंधित मंत्रालय/विभाग यह सुनिश्चित कर लें कि तैयार हिंदी पाठ उनकी अपेक्षाओं के अनुसार है।

राजभाषा खंड ब.स. 652/2013-अनु 1 तारीख 25-11-13 शास्त्री मवन, नई दिल्ली
Ref: Notice on pre-page.

Five notifications duly vetted and translated by Legislative Dept, MO Law & Justice are placed below for 20/11/13.

USCRTPI

D:\v\0\25/11

JICA (AT 4/A)

Many thanks.

25/11/13