

# No Civil Society Members in the Cyber Regulations Advisory Committee

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*The Government of India has taken our advice and reconstituted the Cyber Regulations Advisory Committee. But there is no representation of Internet users, citizens, and consumers — only government and industry interests.*

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In multiple op-eds (Indian Express and Mint), I have pointed out the need for the government to reconstitute the "Cyber Regulations Advisory Committee" (CRAC) under section 88 of the Information Technology Act. That it be reconstituted along the model of the Brazilian Internet Steering Committee was also part of the suggestions that CIS sent to the government after a meeting FICCI had convened along with the government on September 4, 2012.

Section 88 requires that people "representing the interests principally affected" by Internet policy or "having special knowledge of the subject matter" be present in this advisory body. The main function of the CRAC is to advise the the Central Government "either generally as regards any rules or for any other purpose connected with this Act".

Despite this important function, the CRAC had — till November 2012 — only ever met twice, both times in 2001. The response to an RTI informed us that the body had never provided any advice to the government.

## Government Not Serious

The increasing pressure on the government for botching up Internet regulations has led it to reconstitute the CRAC. However, the list of members of the committee shows that the government is not serious about this committee representing "the interests primarily affected" by Internet policy.

Importantly, this goes against the express wish of the Shri Kapil Sibal, the Union Minister for Communications and IT, who has repeatedly stated that he believes that Internet-related policymaking should be an inclusive process. Most recently, at the 2012 Internet Governance Forum he stated that we need systems that are:

"collaborative, consultative, inclusive and consensual, for dealing with all public policies involving the Internet"

Interestingly, despite the Hon'ble Minister verbally inviting civil society organizations (on November 23, 2012) for a meeting of the CRAC that happened on November 25, 2012, the Department of Electronics and Information Technology refused to send us invitations for the meeting. This hints at a disconnect between the political and bureaucratic wings of the government, at least at some levels.

Interestingly, this isn't the first time this has been pointed out. Na. Vijayashankar was levelling similar criticisms against the CRAC way back in August 2000 when the original CRAC was constituted.

## Breakdown by Stakeholder Groupings

While there is no one universal division of stakeholders in Internet governance, but four groups are widely recognized: governments (national and intergovernmental), industry, technical community, and civil society. Using that division, we get:

- Government - 15 out of 22 members
- Industry bodies - 6 out of 22 members
- Technical community / Academia - 1 out of 22 members
- Civil society - 0 out of 22 members.

## List of Members of Cyber Regulatory Advisory Committee

The official notification (G.S.R. 827(E)) is available on the DEIT website and came into force on November 16, 2012.

(Note: Names with ~~strikethroughs~~ have been removed from the CRAC since 2000, and those with *emphasis* have been added.)

1. Minister, Ministry of Communication and Information Technology - Chairman
2. *Minister of State, Ministry of Communications and Information Technology - Member*
3. Secretary, Ministry of Communication and Information Technology, Department of Electronics and Information Technology - Member
4. Secretary, Department of Telecommunications - Member ~~Finance Secretary - Member~~
5. Secretary, Legislative Department - Member
6. *Secretary, Department of Legal Affairs - Member* ~~Shri T.K. Vishwanathan, Presently Member Secretary, Law Commission - Member~~
7. Secretary, Ministry of Commerce - Member
8. Secretary, Ministry of Home Affairs - Member
9. Secretary, Ministry of Defence - Member
10. Deputy Governor, Reserve Bank of India - Member
11. Information Technology Secretary from the states by rotation - Member
12. Director, IIT by rotation from the IITs - Member

13. Director General of Police from the States by rotation - Member
14. President, NASSCOM - Member
15. President, Internet Service Provider Association - Member
16. Director, Central Bureau of Investigation - Member
17. Controller of Certifying Authority - Member
18. Representative of CII - Member
19. Representative of FICCI - Member
20. Representative of ASSOCHAM - Member
21. *President, Computer Society of India - Member*
22. Group Coordinator, Department of Electronic and Information Technology  
- Member Secretary